BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 18, 2020

Title: Co12-72-82 RESUBDIVISION OF LAS PALOMAS SUBDIVISION (LOT 297) PLAT NOTE WAIVER

Introduction/Background:

The applicant requests a plat note waiver on Lot 297 which states, "Recreation Area (Private)", in order to allow construction of a residence on the lot.

Discussion:

Lot 297 was designated as a private recreational area on the subdivision plat and there is no rezoning condition or code requirement for a recreation area. A variance was approved to allow access to the site from a platted alley connecting to W. Tucker Street and limited the number of residences to one.

Conclusion:

The residential use of Lot 297 is reasonable given the recreation area was never built, nor required by code, rezoning conditions or private covenants.

Recommendation:

Staff recommends approval of plat note waiver to allow residential use on Lot 297 subject to conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ All

Department: Development Services Department - Planning Telephone: 724-8800

Contact: Donna Spicola Telephone: 724-9513

Department Director Signature/Date: 1/23/2020

Deputy County Administrator Signature/Date: 1/28/2020

County Administrator Signature/Date: C. Richelberg 1/29/2020

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Richard Elias, Supervisor, District 5

FROM: Chris Poirier, Deputy Director Tom Drazgowski
Public Works-Development Services Department-Planning Division

DATE: January 17, 2020

SUBJECT: **Co12-72-82 LAS PALOMAS RESUBDIVISION (Lot #297) PLAT NOTE WAIVER**

The above referenced Plat Note Waiver is within your district and is scheduled for the Board of Supervisors' **TUESDAY, FEBRUARY 18, 2020** hearing.

REQUEST: To allow the use for a single family residence on the lot. The subject property is approximately 1.97 acres, zoned CR-3 (Single Residence) and is located 300 feet west of S. Cardinal Avenue and approximately 150 feet north of W. Tucker Street and is addressed as **3054 W. Tucker Street**.

OWNER/ AGENT: Robert G. Foytack
1939 S. 2nd Avenue, Suite 3
Yuma, AZ 85364

DISTRICT: 5

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of January 17, 2020, staff received no public comment.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside of the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DS/ar
Attachments

PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co12-72-82

FOR FEBRUARY 18, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director Tom Drzazgowska
Public Works-Development Services Department-Planning Division

DATE: January 17, 2020

UNADVERTISED ITEM FOR PUBLIC HEARING

PLAT NOTE WAIVER

Co12-72-82 LAS PALOMAS RESUBDIVISION (Lot #297) PLAT NOTE WAIVER
Request of Robert Foytack for a **waiver of the plat note on Lot 297** of Las Palomas Resubdivision (Bk. 24, Pg. 77) which states, "Recreation Area (Private)". The applicant requests to allow the use for a single family residence on the lot. The subject property is approximately 1.97 acres, zoned CR-3 (Single Residence) and is located 300 feet west of S. Cardinal Avenue and approximately 150 feet north of W. Tucker Street and is addressed as **3054 W. Tucker Street**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**
(District 5)

STAFF RECOMMENDATION
Staff recommends **APPROVAL** of the waiver of the plate note on Lot 297 to allow single-family residential use of the lot, subject to the following conditions:

1. One single family residence shall be developed on the property.
2. Access shall only occur through the alley way from W. Tucker Street.
3. Wastewater Management 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 subject property 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 proposed project site, 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 subject property 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 subject property 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 subject property, 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 subject property.

Conditions 1 and 2 are consistent with the variance granted by the Board of Adjustment (Case # P19VA00022) to allow the use of a platted alley as primary access to a lot, which is otherwise prohibited by Code.

Conditions 3.A-F pertain to Regional Wastewater Reclamation Department requirements for permitting the use of a sewer line.

REQUEST OF APPLICANT

The applicant requests a waiver of the plat note on Lot 297 of Las Palomas Resubdivision (Bk. 24, Pg. 77) which states "Recreation Area (Private)". The applicant cites a recorded deed (Docket 4467, Page 823) Las Palomas Resubdivision – Declaration of Building and Use Restrictions (private covenants) that Lots 1-208 inclusive, and Lots 283-321 inclusive are described as "...residential building lots".

PLANNING REPORT

Staff has no objection to granting waiver of the plat note for use of Lot 297 subject to a residence rather than a recreation area because there is no rezoning condition or other code requirement for a recreation area within the subdivision. It appears that Lot 297 was a surplus area that does not abut a street. A recreation area was never developed on the lot which has remained vacant for 47 years. Also, staffs review of the recorded private covenants for the subdivision affecting Lot 297 found no restriction against allowing the use for a single-family residence. In fact, the covenants includes Lot 297 as a residential building lot.

Additionally, the Board of Adjustment has approved a variance to allow access to Lot 297 from an unpaved alley rather than directly from a paved street. The alley connects to W. Tucker Street, a paved residential street located within Cardinal Estates Subdivision, located adjacent to and south of subject property. This approval was an essential step that allowed this plat note waiver request to go forward. The variance was conditioned upon access to the alley only from W. Tucker Street and upon a limit of one residence on the 1.97 acre lot. Limiting access to W. Tucker Street provides the shortest distance to a paved subdivision street, and the limit of one residence allows a reasonable use of the lot, but reduces the potential number of trips within the unpaved alley. At one unit per 8,000 square feet in the CR-3 zone, potentially ten units would otherwise be permitted.

The comprehensive plan designation for the subject lot is Medium Low Intensity Urban (MLIU) within the Southwest Planning Area. The comprehensive plan supports the CR-3 zoning designation. The area of the subdivision was rezoned to CR-3 in 1972. Las Palomas Resubdivision Lots 1-208 and 283-323 was recorded in 1973. The proposed site plan for the subject lot meets development standards for the CR-3 zone.

A 120 foot easement for El Paso Natural Gas Company runs along many lots within the subdivision including north of Lot 297 which restricts access to the north.

Public notice of the plat note waiver request is being sent to property owners within, and within 300 feet of the Las Palomas Resubdivision. No Public comment has been received as of the writing of this report. The applicant should be aware that a property owner within the subdivision may privately enforce the plat note, even if the Board of Supervisors grants the waiver request.

TRANSPORTATION REPORT
The Pima County Department of Transportation has no additional comments other than the conditions provided within the approved variance.

FLOOD CONTROL REPORT
The Pima County Regional Flood Control District has reviewed the request and has no objection.

WASTEWATER RECLAMATION REPORT
The Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and states that there is an existing 8" public sewer line with manhole near the northwest corner of the subject property. The property is likely to connect to this sewer line subject to PCRWRD's review and approval. PCRWRD has no objection to the request for a waiver of plat note, subject to conditions 3.A-F above.

DREXEL HEIGHTS FIRE DEPARTMENT COMMENTS
Staff has not received a response to a request for comments.

TUCSON ELECTRIC POWER COMPANY COMMENTS
Staff has not received a response to a request for comments.

TUCSON WATER COMMENTS
Tucson Water does not take exception to the request of the subject property located at 3054 W. Tucker Street. However, records indicate that the water availability approval has since expired and a new request will need to be approved prior to the issuance of a water meter.

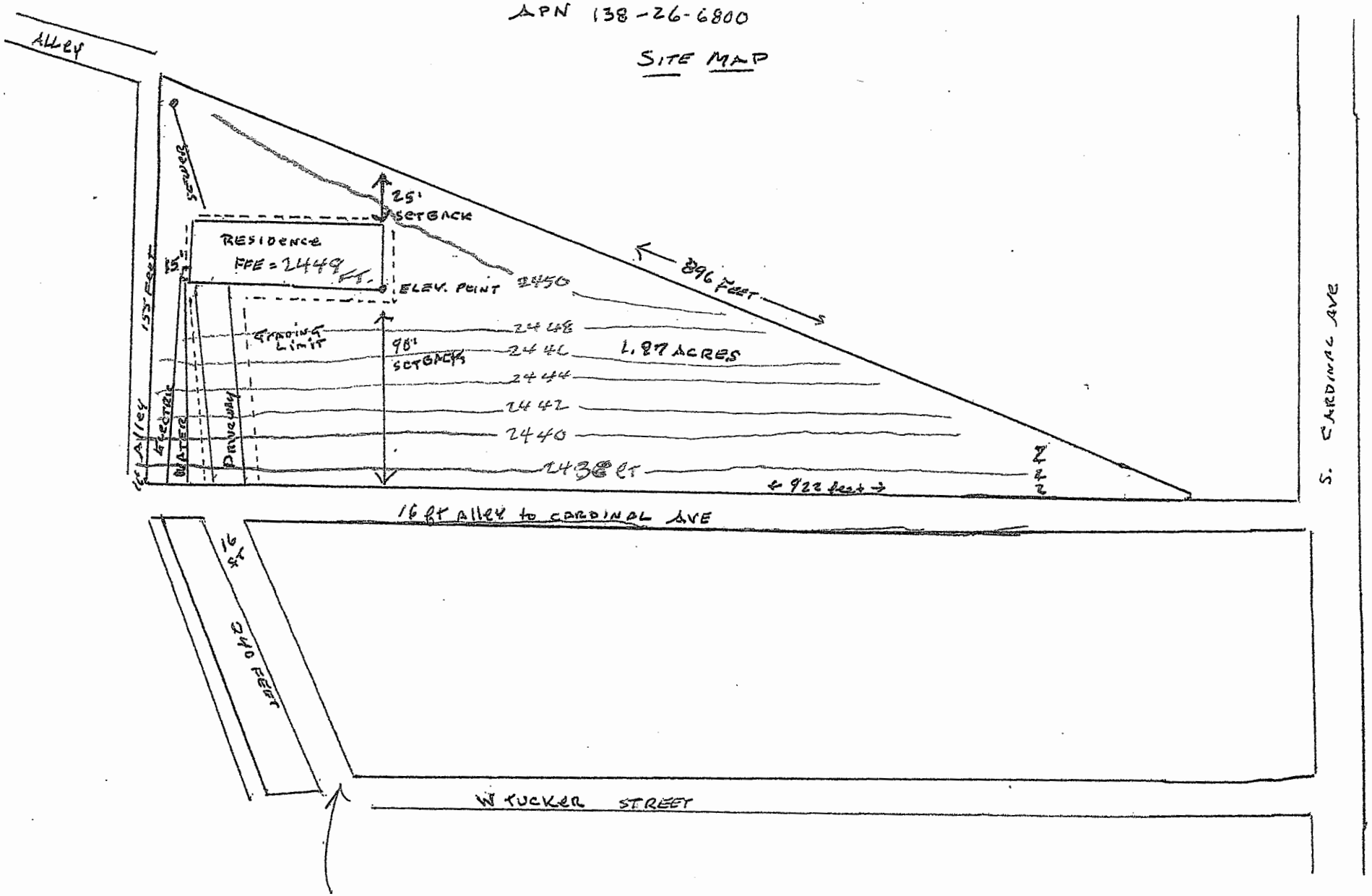
EL PASO NATURAL GAS COMMENTS
Staff has not received a response to a request for comments.

TD/DS/ar
Attachments

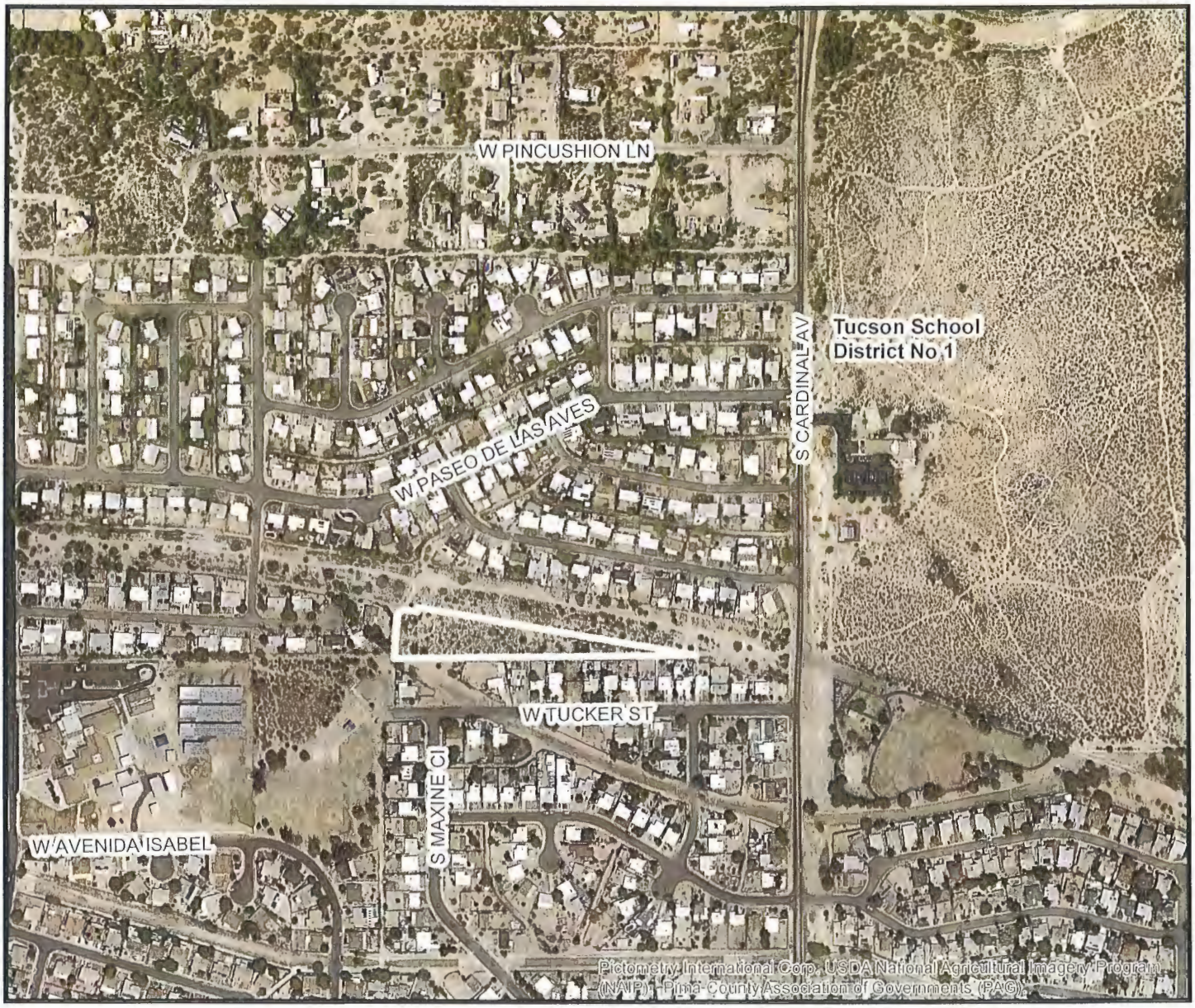
cc: Robert Foytack, 1939 S. 2nd Avenue Suite 3, Yuma AZ 85364
Tom Drzazgowski, Chief Zoning Inspector
Co12-72-82 File

APN 138-26-6800

SITE MAP



Case #: CO12-72-82 (P19SA00008)
Case Name: LAS PALOMAS RESUBDIVISION (LOT 297)
Tax Code(s): 138-26-6800



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Plat Note Waiver - Lot 297

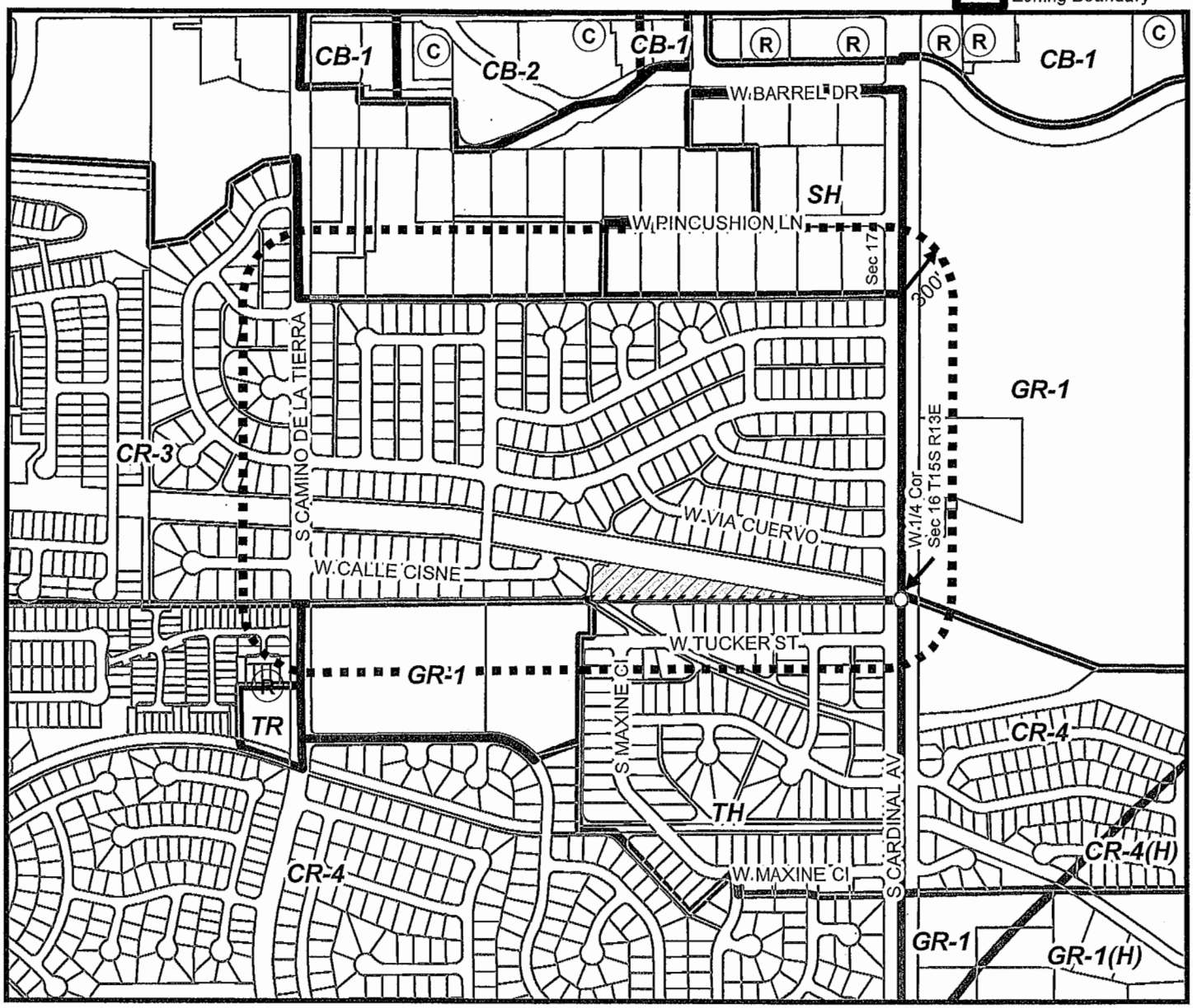
Map Scale: 1:6,000

Map Date: 12/9/2019 - ds

N W E S

Case #: CO12-72-82 (P19SA00008)
Case Name: LAS PALOMAS RESUBDIVISION (LOT 297)
Tax Code(s): 138-26-6800

300' Notification Area
Subject Property
Zoning Boundary



0 285 570 1,140 Feet

Subject Property

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Plat Note Waiver (Lot 297)**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 2/18/20

Base Map(s): 62 & 63 | Map Scale: 1:8,000 | Map Date: 1/3/2020 - ds

N W E S

PIMA COUNTY PLANNING DEPARTMENT

SPECIAL ACTION REQUEST
PLAT NOTE WAIVER / MODIFICATION

APN# 138-26-6800 VACANT SUBDIVIDED LOT 2.97 ACRES ZONED CR-3
PROPERTY CURRENTLY HAS NO STREET ADDRESS, IT IS LOT 297 LAS PALOMAS RESUB

APPLICANT WHO IS SOLE OWNER : ROBERT G. FOYTACK
OWNER ADDRESS: 1939 S. 2ND AVENUE STE 3, YUMA, AZ 85364
PHONE: 619-715-1507
EMAIL: LAWYERAZ@HOTMAIL.COM

SUMMARY OF ACTION NEEDED: THE CC&R'S STATE LOT 297 SHALL BE USED FOR RESIDENTIAL BUILDING AND USE ONLY BUT A PLAT NOTE ON THE LOT SAYS RECREATIONAL AREA PRIVATE. I WISH TO BY PLAT NOTE WAIVER / MODIFICATION CLEAR UP ANY POSSIBLE CONFUSION SO THE LOT CAN BE USED FOR A RESIDENTIAL BUILDING AND USE AS THE CC&R'S EXPRESSLY STATE.

SEE EXHIBITS ATTACHED HEREWITH THIS APPLICATION FOR DETAILS.

DATED: AUGUST 9, 2019 BY: _____
ROBERT G. FOYTACK, OWNER

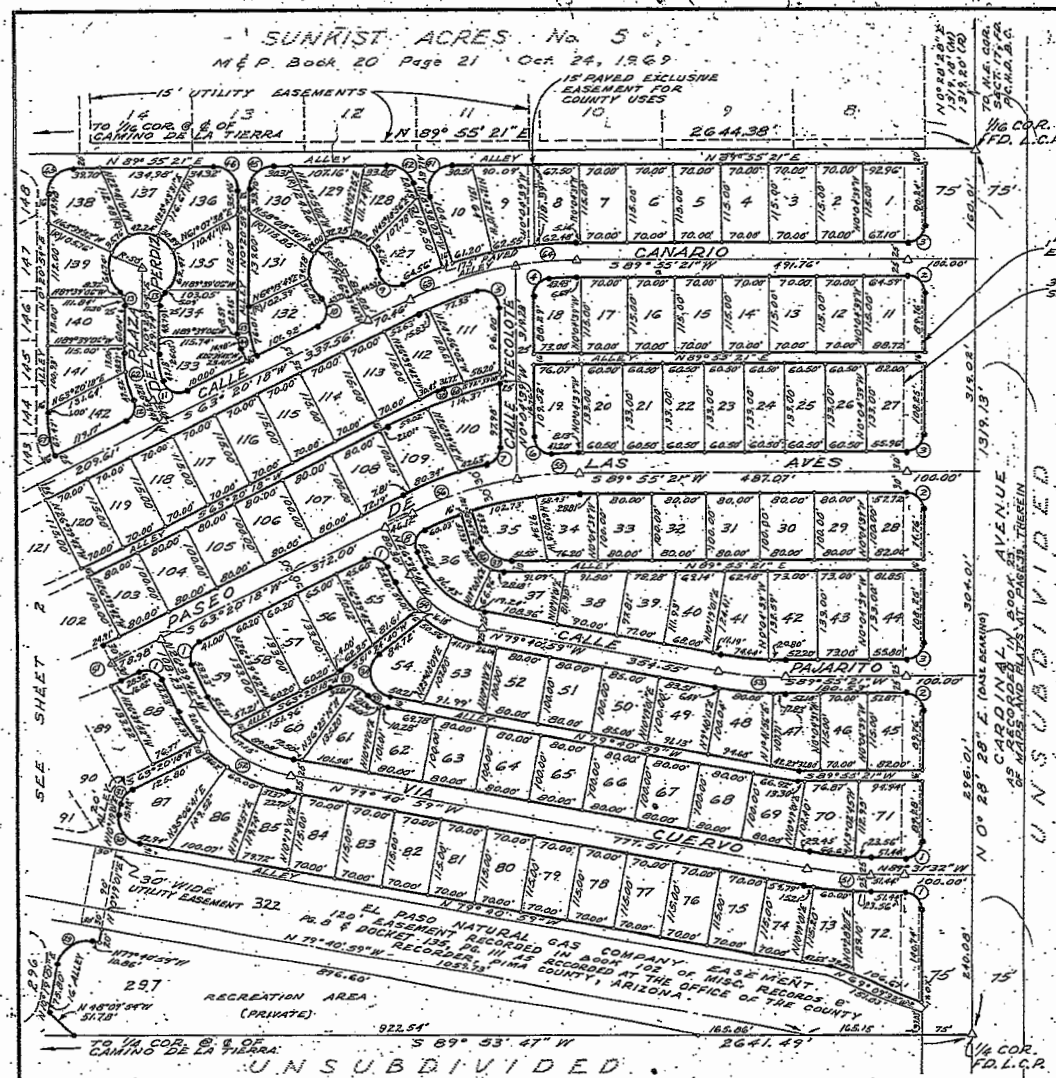
THE LOT IS CURRENTLY VACANT AND OFTEN PEOPLE DUMP TRASH ON THE LOT AND IT IS AN EYESORE, THIS APPLICATION IS FOR A PLAT NOTE WAIVER / MODIFICATION TO CLEAR UP ANY CONFUSION WITH THE CC&R'S THAT EXPRESSLY STATE THE LOT IS FOR RESIDENTIAL BUILDING AND RESIDENTIAL USE. THIS APPLICANT DESIRES TO SEEK APPROVAL OF LOT FOR RESIDENTIAL BUILDING AND USE AS SET FORTH IN THE CC&R'S. A HOME WITH PRIDE OF OWNERSHIP IS THE BEST USE.

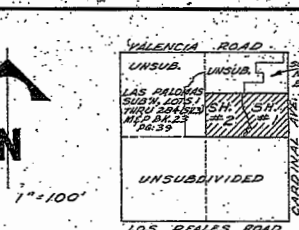
UTILITY INFORMATION

ON THE SUBJECT PROPERTY ALL ALONG THE SOUTHERN SIDE OF THE LOT THAT RUNS EAST AND WEST ARE SEVERAL UTILITY POLES WITH ELECTRIC, PHONE AND CABLE SERVICE.

SEWER HOOK UP IS LOCATED AT NORTHWEST PORTION OF THE LOT

TUCSON WATER CONFIRMED THEY WOULD PROVIDE WATER BY LATERAL PIPE TO MAIN LINE ALONG TUCKER STREET





SCALE: 1" = 100'

LOCATION PLAN

SCALE: 1" = 2000'

SECTION 17, TOWNSHIP 15 SOUTH, RANGE 13 EAST, G.&S.R.B.&M., PIMA COUNTY, ARIZONA

DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL RIGHTS OF WAY SHOWN HEREON INCLUDING ALL STREETS AND ALLEYS. UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE PUBLIC FOR THE INSTALLATION AND MAINTENCE OF UNDERGROUND UTILITIES AND SEWERS IN CONFORMANCE TO: ARIZONA CORPORATION COMMISSION AMENDED GENERAL ORDER U-48 OR AS IT MAY BE AMENDED. EXCLUSIVE EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO PIMA COUNTY.

WE, THE OWNERS, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE PIMA COUNTY, ITS SUCCESSORS AND ASSIGNS, ITS EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGE RELATED TO THE USE OF SAID LANDS, NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE FLOODING OR RAINFALL.

CHASTAIN BUILDERS, INC., AN ARIZONA CORPORATION.

DALE CHASTAIN, PRESIDENT.

LINDA M. CHASTAIN, SECRETARY-TREASURER.

STATE OF ARIZONA } S.S.
COUNTY OF PIMA }

ON THIS, THE 26 DAY OF December, 1972, BEFORE ME, CAROL H. SANDERS, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DALE CHASTAIN AND LINDA M. CHASTAIN, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Carol H. Sanders
NOTARY PUBLIC

MY COMMISSION EXPIRES Sep Tember 21, 1976

CONSENT TO DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE THE HOLDERS AND OWNERS OF THAT CERTAIN MORTGAGE, RECORDED IN DOCKET BOOK 4242 AT PAGE 162 THEREOF, ENCUMBERING THE LAND SHOWN HEREON. WE HEREBY CONSENT TO THE SUBDIVISING SAID LAND IN THE MANNER SHOWN HEREON AND TO DEDICATION OF RIGHTS OF WAY MADE BY CHASTAIN BUILDERS, INC.

IT BEING UNDERSTOOD AND AGREED THAT AS TO THE UNDERSIGNED, THE LIABILITY OF ANY, IS LIMITED TO THEIR CAPACITY AS TRUSTEES AND NOT IN THEIR INDIVIDUAL CORPORATE CAPACITY.

PIONEER NATIONAL TRUST COMPANY OF ARIZONA, AS TRUSTEES UNDER TRUST No. 10232

PAUL R. STULGIN, TRUST OFFICER.

STATE OF ARIZONA } S.S.
COUNTY OF PIMA }

ON THIS, THE 28 DAY OF December, 1972, BEFORE ME, Helen T. Wilson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED PAUL R. STULGIN, WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF PIONEER NATIONAL TRUST COMPANY OF ARIZONA, AND THAT HE AS SUCH TRUST OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS TRUST OFFICER.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Helen T. Wilson
NOTARY PUBLIC

MY COMMISSION EXPIRES November 24, 1976

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY COMPLETED UNDER MY DIRECTION AND THAT ALL SURVEY MONUMENTS AND PROPERTY CORNERS EXIST AS SHOWN HEREON OR A PERFORMANCE BOND HAS BEEN POSTED FOR THE EVENTUAL INSTALLATION OF SURVEY MONUMENTS.

RAMON ELIAS
ARIZONA REGISTRATION No. 4397

Registered Professional Engineer (Civil) RAMON ELIAS ARIZONA U.S.A.

APPROVALS

PIMA COUNTY PLANNING DIRECTOR — DATE 2-16-73

PIMA COUNTY ENGINEER — DATE 2/9/73

PIMA COUNTY DEPARTMENT OF SANITARIATION — DATE 2-7-73

I, ELSA D. HANNA, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE BOARD OF SUPERVISORS, PIMA COUNTY, ARIZONA, ON THIS 21st DAY OF FEBRUARY, 1973.

CLERK, BOARD OF SUPERVISORS — DATE 2-21-73

CITY OF TUCSON PLANNING DIRECTOR — DATE 2-14-73

CITY OF TUCSON ENGINEER — DATE 2-13-73

I, DONALD J. DARANT, CLERK OF THE CITY OF TUCSON, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, ON THIS 20th DAY OF FEBRUARY, 1973.

CLERK, CITY OF TUCSON — DATE 2-15-73

RECORDING

STATE OF ARIZONA } S.S.
COUNTY OF PIMA }

No. 14743
FEE $10.00

FILED FOR RECORD AT THE REQUEST OF ROD GOMEZ & ASSOC. ON THIS THE 15 DAY OF FEB, 1973 AT 2:04 P.M. IN BOOK 24 OF MAPS AND PLATS AT PAGE 77 THEREOF.

IDA MAE SMYTH
COUNTY RECORDER

BY Grace Sandoval DEPUTY

CONSENT TO DEDICATION

I, THE UNDERSIGNED, AS OWNER OF RECORD OF THE PROPERTY BEING PLATTED HEREON AS LAS PALOMAS RE-SUBDIVISION DO HEREBY CONSENT TO THE SUBDIVISION AND TO THE DEDICATION TO THE USE OF THE PUBLIC ALL RIGHTS OF WAY SHOWN HEREON, INCLUDING ALL STREETS, ALLEYS, AND EASEMENTS.

Thomas G. Beaham III
THOMAS G. BEAHAM, III

STATE OF ARIZONA } S.S.
COUNTY OF PIMA }

ON THIS, THE 28 DAY OF December 1972, BEFORE ME Helen T. Wilson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED THOMAS G. BEAHAM, III, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Helen T. Wilson
NOTARY PUBLIC

MY COMMISSION EXPIRES November 24, 1976.

LAS PALOMAS RE-SUBDIVISION

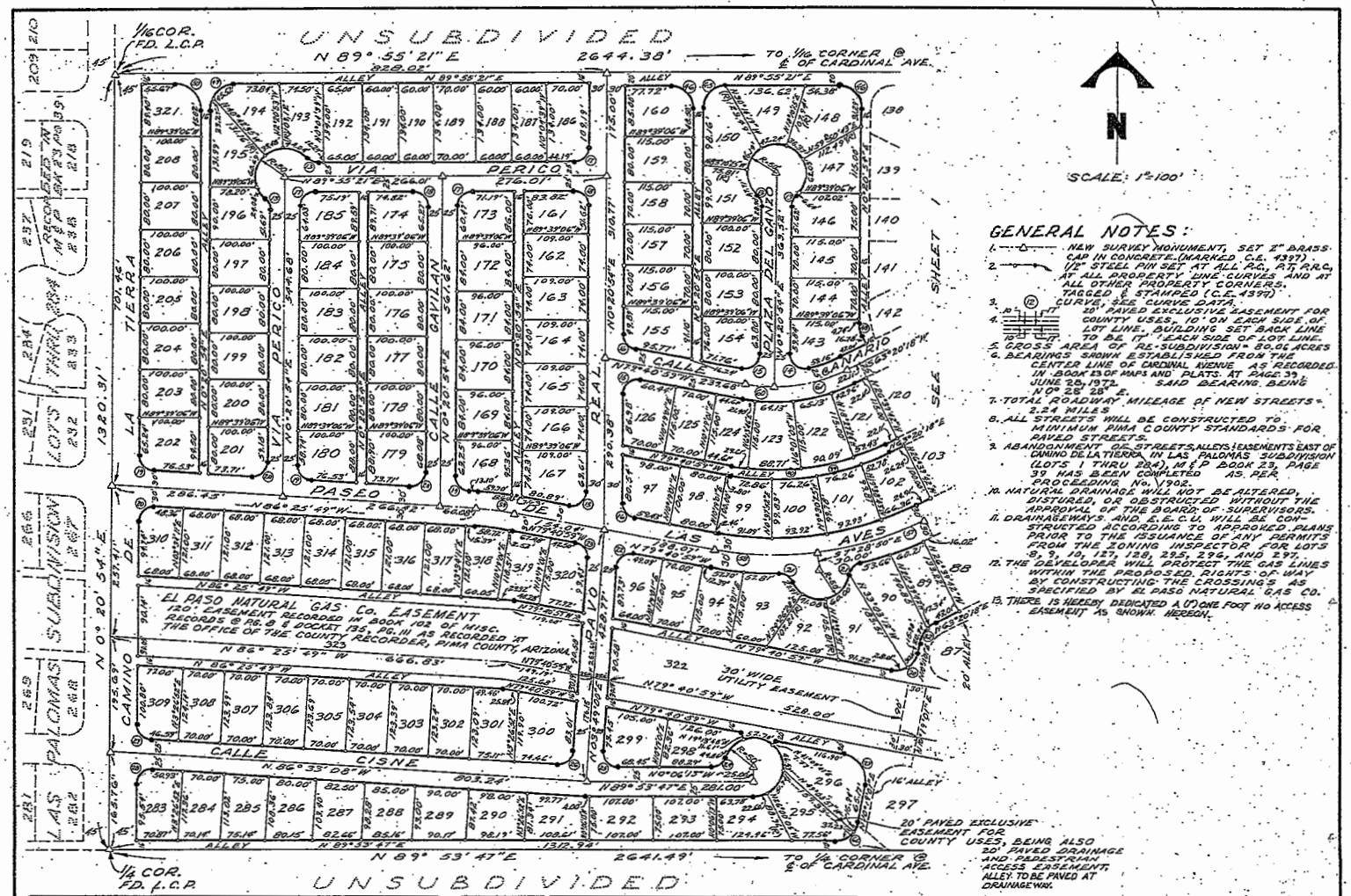
LOTS 1 THRU 208, 283 THRU 323

BEING A RESUBDIVISION OF LAS PALOMAS SUBDIVISION LOTS 1 THRU 208 AND LOTS 283-284, AS RECORDED IN BOOK 23 OF MAPS AND PLATS AT PAGE 39 THEREOF.

ROD GOMEZ & ASSOCIATES, CONSULTING ENGINEERS
TUCSON, ARIZONA

OCTOBER, 1972 — R.G. & A. #9472 — SHEET 1 OF 2

CO12-T2-82



GENERAL NOTES:

1. NEW SURVEY MONUMENT, SET 2" BRASS CAP IN CONCRETE (MARKED C.E. 4397).
2. 1/2" STEEL PIN SET AT ALL P.C., P.T., P.R.C. AT ALL PROPERTY LINE CURVES AND AT ALL OTHER PROPERTY CORNERS. TAGGED & STAMPED (C.E. 4397).
3. CURVE, SEE CURVE DATA.
4. 20' PAVED EXCLUSIVE EASEMENT FOR COUNTY USES. 10' ON EACH SIDE OF LOT LINE, BUILDING SET BACK LINE TO BE 17' EACH SIDE OF LOT LINE.
5. GROSS AREA OF RE-SUBDIVISION = 80.06 ACRES
6. BEARINGS SHOWN ESTABLISHED FROM THE CENTER LINE OF CARDINAL AVENUE AS RECORDED IN BOOK 43 OF MAPS AND PLATS, AT PAGE 39, JUNE 28, 1972. SAID BEARING BEING N 0° 28' 28" E.
7. TOTAL ROADWAY MILEAGE OF NEW STREETS = 2.24 MILES
8. ALL STREETS WILL BE CONSTRUCTED TO MINIMUM PIMA COUNTY STANDARDS FOR PAVED STREETS.
9. ABANDONMENT OF STREETS, ALLEYS & EASEMENTS EAST OF CAMINO DE LA TIERRA, IN LAS PALOMAS SUBDIVISION (LOTS 1 THRU 284), M & P BOOK 23, PAGE 39 HAS BEEN COMPLETED AS PER PROCEEDING No. 902.
10. NATURAL DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE BOARD OF SUPERVISORS.
11. DRAINAGEWAYS AND E.C.W. WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR FOR LOTS 8, 9, 10, 127, 128, 295, 296, AND 297.
12. THE DEVELOPER WILL PROTECT THE GAS LINES WITHIN THE PROPOSED RIGHTS OF WAY BY CONSTRUCTING THE CROSSINGS AS SPECIFIED BY EL PASO NATURAL GAS CO.
13. THERE IS HEREBY DEDICATED A (1) ONE FOOT NO ACCESS EASEMENT AS SHOWN HEREON.

CURVE DATA TABLE

CURVE No.	CENTRAL ANGLE	RADIUS	TANGENT	LENGTH
1	90°00'00"	25.00'	25.00'	39.27'
2	90°33'07"	25.00'	25.24'	39.51'
3	89°26'53"	25.00'	24.76'	39.03'
4	85°15'38"	25.00'	23.01'	37.20'
5	106°25'02"	25.00'	33.43'	46.43'
6	94°04'10"	25.00'	26.86'	41.05'
7	76°20'04"	25.00'	19.65'	33.31'
8	90°26'59"	25.00'	25.20'	39.47'
9	112°16'11"	26.00'	38.96'	51.23'
10	113°36'41"	25.00'	39.19'	49.56'
11	97°40'43"	25.00'	28.60'	42.62'
12	86°10'10"	25.00'	23.38'	37.60'
13	48°11'23"	25.00'	11.18'	21.03'
14	103°27'02"	25.00'	31.68'	45.14'
15	99°58'07"	25.00'	29.78'	43.62'
16	80°01'53"	25.00'	20.99'	34.92'
17	89°34'27"	25.00'	24.82'	39.08'
18	90°25'33"	25.00'	25.19'	39.46'
19	86°46'43"	25.00'	23.63'	37.86'
20	93°13'17"	25.00'	26.46'	40.68'
21	67°13'36"	25.00'	19.62'	29.33'
22	96°30'00"	25.00'	28.01'	42.11'
23	83°30'00"	25.00'	22.31'	36.43'
24	70°31'44"	25.00'	17.68'	30.77'
25	93°35'13"	25.00'	26.77'	40.98'
26	89°37'51"	25.00'	24.84'	39.11'
27	86°54'02"	25.00'	23.68'	37.92'
28	93°05'58"	25.00'	26.39'	40.62'
29	90°00'00"	44.00'	44.00'	69.12'
30	90°00'00"	37.00'	37.00'	58.12'
31	53°01'17"	30.00'	14.96'	27.76'
32	53°01'17"	50.00'	24.94'	46.27'
33	76°58'05"	44.00'	34.98'	59.11'

CURVE DATA (Cont.)

CURVE No.	CENTRAL ANGLE	RADIUS	TANGENT	LENGTH
34	131°05'38"	36.00'	79.17'	82.37'
35	39°59'22"	52.00'	18.92'	36.29'
36	72°14'34"	50.00'	36.49'	63.04'
37	72°14'39"	49.00'	35.76'	61.78'
38	9°18'59"	50.00'	4.07'	8.13'
39	36°58'43"	431.00'	144.12'	278.17'
40	36°58'43"	413.00'	138.77'	267.84'
41	108°33'24"	35.00'	48.67'	66.31'
42	71°26'36"	41.00'	29.48'	51.12'
43	21°53'01"	193.00'	38.47'	76.01'
44	27°00'36"	50.00'	12.01'	23.57'
45	89°34'27"	37.00'	36.73'	57.84'
46	90°25'33"	37.00'	37.28'	58.39'
47	19°25'31"	199.00'	34.06'	68.47'
48	27°00'36"	50.00'	12.01'	23.57'
49	89°34'27"	44.00'	43.67'	68.79'
50	90°25'33"	44.00'	44.33'	69.44'
51	9°50'33"	550.00'	47.36'	94.48'
52	53°01'17"	200.00'	92.76'	185.08'
53	10°23'40"	550.00'	50.03'	99.78'
54	53°01'17"	150.00'	74.82'	138.81'
55	9°43'40"	550.00'	46.80'	93.38'
56	16°51'23"	550.00'	81.49'	161.81'
57	19°10'32"	565.00'	95.47'	189.15'
58	17°47'51"	565.00'	88.46'	175.50'
59	6°44'50"	550.00'	32.42'	64.77'
60	10°27'20"	275.00'	25.16'	50.18'
61	26°31'23"	275.00'	64.81'	127.30'
62	27°00'36"	150.00'	36.03'	70.71'
63	17°01'39"	550.00'	82.33'	163.45'
64	9°33'24"	550.00'	45.98'	91.74'
65	9°11'24"	1081.00'	86.88'	173.39'
66	79°32'46"	39.00'	32.42'	54.17'

LAS PALOMAS RE-SUBDIVISION
LOTS 1 THRU 208, 283 THRU 323

ROD. GOMEZ & ASSOCIATES, CONSULTING ENGINEERS
TUCSON, ARIZONA
OCTOBER, 1972 R.G. & A. #9472 SHEET 2 OF 2

C012-72-82

CARDINAL ESTATES

MP 24041

RECORDED: JANUARY 3, 1973

THE FOLLOWING PLAT IS AN ANNOTATED VERSION OF THE ORIGINAL DOCUMENT. IT HAS BEEN ALTERED BY PIMA COUNTY DEVELOPMENT SERVICES TO SHOW ADDITIONAL INFORMATION. ORIGINAL COPIES MAY BE OBTAINED FROM THE PIMA COUNTY RECORDER

DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL RIGHTS-OF-WAY SHOWN HEREON, INCLUDING ALL STREETS, ALLEYS, DRAINAGEWAYS AND EASEMENTS.

UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR THE INSTALLATION AND MAINTENCE OF UNDERGROUND UTILITIES AND SEWERS IN CONFORMANCE WITH ARIZONA CORPORATION COMMISSION AMENDED GENERAL ORDER, Nº U-48, OR AS IT MAY BE FUTHER AMENDED.

WE THE OWNERS, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE PIMA COUNTY, ITS SUCCESSORS AND ASSIGNS, THEIR OFFICERS, EMPLOYEES AND AGENTS, HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF SAID LAND, NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE, EROSION OR DAMAGE CAUSED BY WATER WHETHER SURFACE FLOOD OR RAINFALL.

TRANSAMERICA TITLE INSURANCE OF ARIZONA, AN ARIZONA CORPORATION, AS TRUSTEE UNDER TRUST NO. 60544.

LYNN BIZIK TRUST OFFICER

STATE OF ARIZONA } S.S.
COUNTY OF PIMA }

ON THIS, THE ____ DAY OF Nov, 1972 BEFORE ME ____ THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LYNN BIZIK WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF TRANSAMERICA TITLE INSURANCE COMPANY OF ARIZONA, AN ARIZONA CORPORATION, AND THAT HE AS SUCH TRUST OFFICER BEING AUTHORIZED SO TO DO EXCUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING HIS NAME AS TRUST OFFICER.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATION OF SURVEY

WE HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY COMPLETED UNDER OUR DIRECTION AND THAT ALL THE MONUMENTS ACTUALLY EXIST AS SHOWN HEREON OR THAT A PERFORMANCE BOND HAS BEEN POSTED FOR THEIR EVENTUAL INSTALLATION.

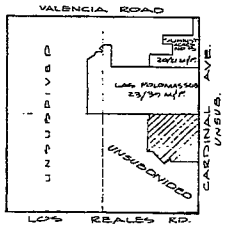
WILLIAM H. WHEELER
ARIZONA REGISTRATION Nº 2067

ARTHUR G. PETTERSON
ARIZONA REGISTRATION Nº 4785

GENERAL NOTES

1. THE TEMPORARY ALLEY TURNAROUND EASEMENTS WILL CEASE TO EXIST WHEN THE ADJACENT LANDS ARE SUBDIVIDED AND ADEQUATE ALLEY CONTINUATIONS ARE PROVIDED.
2. CONSTRUCTION ACROSS EL PASO NATURAL GAS COMPANY'S EASEMENT WILL BE DONE IN ACCORDANCE WITH THEIR SPECIFICATIONS.
3. —•— INDICATES NEW SURVEY MONUMENT, SET 2" BRASS PLATE IN CONCRETE, MARKED "L.S. 4785."
4. —o— INDICATES SET 5/8" ALUMINUM CAPPED STEEL PIN, EXCEPT WHERE OTHERWISE NOTED.
5. -o- INDICATES EXISTING SURVEY MONUMENT FOUND.
6. INDICATES 15' UNDERGROUND UTILITY EASEMENT, 7.5' ON EACH SIDE OF LOT LINE.
7. (2) INDICATES A CURVE, SEE CURVE DATA.
8. GROSS AREA OF THIS SUBDIVISION = 39.04 AC.
9. TOTAL ROADWAY MILEAGE OF NEW STREETS = 0.25 MILES.
10. BEARINGS ARE BASED ON THE CENTERLINE OF LOS REALES ROAD. RECORDED IN BOOK 13 OF ROAD MAPS AT PAGE 16. BEARING BEING N89° 45' 26" E.
11. THE DRAINAGEWAYS WILL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS, PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR.
12. THE DEVELOPER WILL PAVE THE STREETS WITHIN THIS SUBDIVISION TO PIMA COUNTY HIGHWAY DEPARTMENT STANDARDS.
13. LET IT BE KNOWN THAT NO STRUCTURES OF ANY TYPE MAY BE CONSTRUCTED UPON THE EL PASO NATURAL GAS COMPANY EASEMENT IN LOTS 1, 2, AND 3 WITHOUT PRIOR WRITTEN CONSENT FROM THE EL PASO NATURAL GAS COMPANY.
14. LOTS 38 & 78 THRU 84 WILL BE PROVIDED WITH CIRCULAR OR HAMMERHEAD DRIVES.
15. NATURAL DRAINAGE WILL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT APPROVAL OF THE BOARD OF SUPERVISORS.

NORTH



LOCATION PLAN
SECTION 17
T. 15 S., R. 13 E., G&S.R.B.&M.
PIMA COUNTY, ARIZONA
SCALE: 3" = 1 MI.

APPROVALS

1-2-73
PIMA COUNTY PLANNING DIRECTOR DATE

12-20-72
PIMA COUNTY DEP'T OF SANITATION DATE

12/22/72
PIMA COUNTY ENGINEER DATE

I, ELSA D. HANNA, CLERK OF THE BOARD OF SUPERVISORS HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, ON THIS 19th DAY OF December, 1972

12-29-72
CLERK, BOARD OF SUPERVISORS DATE

12-28-72
CITY OF TUCSON COM. DEV. DIRECTOR DATE

12-28-72
CITY OF TUCSON ENGINEER DATE

I DONALD L. DE MENT, CLERK OF THE CITY OF TUCSON, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, ON THIS 19th DAY OF December, 1972.

12-29-72
CLERK, CITY OF TUCSON DATE

ANNOTATED COPY

MAP 62
ZONE TH
USE CR-3 SETBACKS AS PER B.A. ACTION Co10(3) 73-2

CARDINAL ESTATES

LOTS I THRU III

BEING A SUBDIVISION OF A PORTION OF THE S.E.¼ OF SECTION 17, T-15-S; R-13-E, G&S.R.B.&M

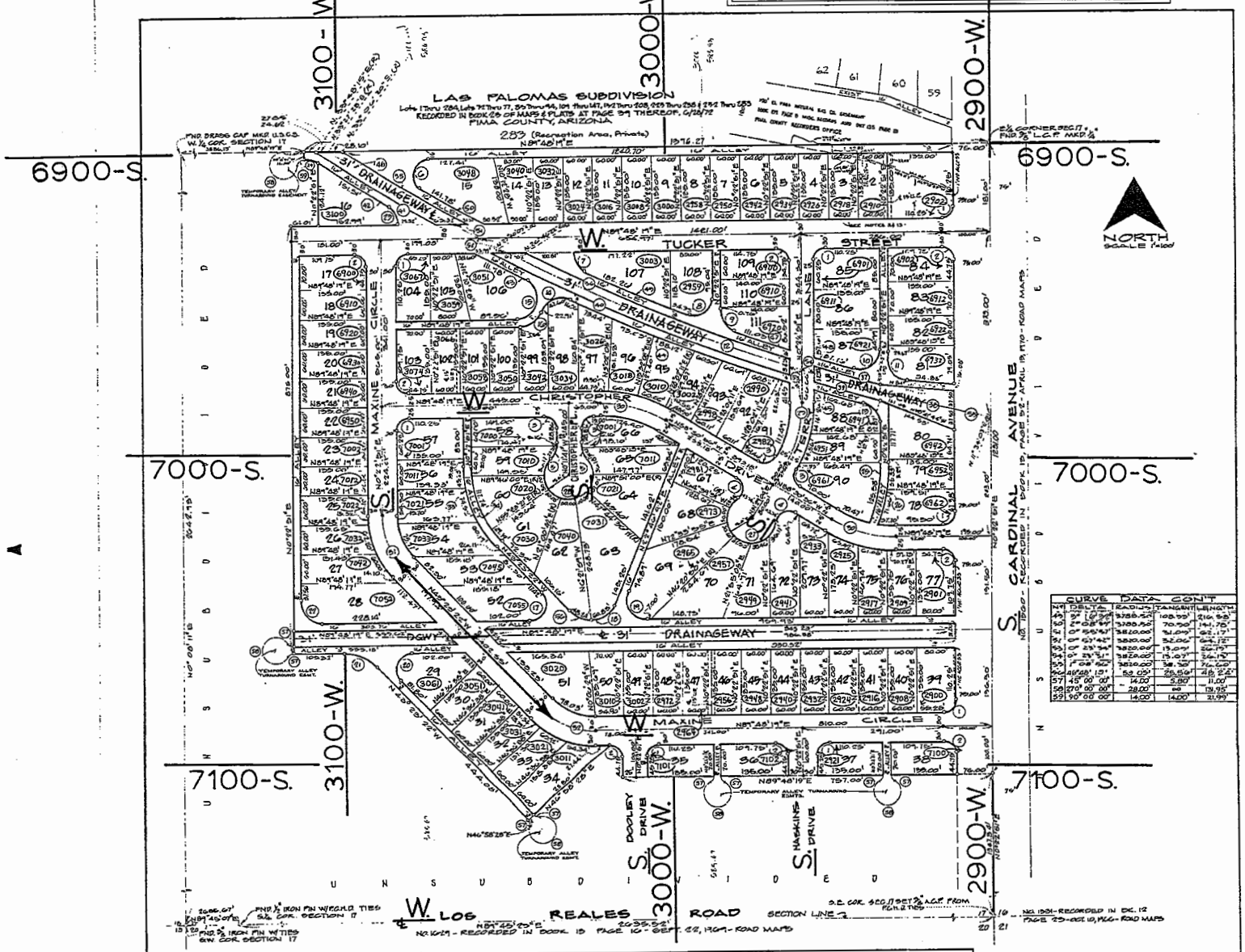
PIMA COUNTY, ARIZONA

Wheeler ENGINEERS — Petterson SURVEYORS — Coffeen PLANNERS

Co 12 72-103

W.O. Nº 11083 DECEMBER 1972 SHEET 1 of 2

ANNOTATED COPY



CURVE DATA CONT				
NO	DELTA	RADIUS	TANGENT	LENGTH
49	3° 10' 34"	3288.50'	108.90'	216.93'
50	2° 08' 51"	3288.50'	70.50'	141.75'
51	0° 56' 43"	3820.00'	31.00'	62.17'
52	0° 53' 44"	3820.00'	32.00'	64.12'
53	0° 23' 34"	3820.00'	13.00'	26.15'
54	0° 23' 51"	3820.00'	13.07'	26.15'
55	1° 08' 50"	3820.00'	38.30'	76.60'
56	49°28' 13"	62.00'	28.50'	48°22'6"
57	45° 00' 00"	14.00'	5.80'	11.00'
58	270° 00' 00"	28.00'	∞	132.95'
59	90° 00' 00"	14.00'	14.00'	21.99'

CURVE DATA																			
NO	DELTA	RADIUS	TANGENT	LENGTH	NO	DELTA	RADIUS	TANGENT	LENGTH	NO	DELTA	RADIUS	TANGENT	LENGTH	NO	DELTA	RADIUS	TANGENT	LENGTH
1	84° 26' 22"	25.00'	24.75'	34.90'	15	74° 54' 01"	44.00'	32.97'	57.52'	29	20° 58' 57"	545.00'	100.50'	200.00'	43	2° 00' 40"	3904.50'	70.15'	140.28'
2	90° 34' 32"	25.00'	25.20'	39.52'	16	91° 48' 53"	44.00'	44.47'	70.51'	30	20° 31' 50"	545.00'	98.02'	195.08'	44	2° 15' 58"	3820.00'	147.84'	295.64'
3	90° 00' 00"	25.00'	25.00'	39.27'	17	153° 21' 18"	44.00'	108.81'	117.77'	31	22° 21' 09"	50.00'	114.21'	195.22'	45	2° 05' 40"	3820.00'	70.11'	140.21'
4	119° 34' 37"	25.00'	36.19'	49.56'	18	62° 45' 33"	50.00'	32.10'	56.20'	32	20° 21' 10"	50.00'	104.04'	223.36'	46	1° 10' 00"	3820.00'	38.50'	77.00'
5	41° 23' 53"	50.00'	18.70'	36.10'	19	111° 41' 15"	50.00'	85.16'	97.51'	33	21° 00' 15"	261.00'	67.11'	131.04'	47	4° 11' 27"	3820.00'	140.15'	280.17'
6	164° 47' 02"	50.00'	121.34'	71.84'	20	90° 31' 37"	50.00'	54.34'	80.83'	34	21° 46' 45"	250.00'	70.35'	136.25'	48	5° 15' 40"	3820.00'	175.77'	351.51'
7	69° 03' 31"	50.00'	34.41'	58.81'	21	112° 58' 29"	50.00'	50.89'	78.90'	35	49° 46' 18"	150.00'	69.25'	130.29'	49	14° 44' 50"	3820.00'	494.97'	988.77'
8	111° 03' 14"	50.00'	61.00'	96.90'	22	125° 11' 21"	50.00'	69.15'	83.69'	36	49° 46' 18"	150.00'	69.25'	130.29'	50	3° 45' 00"	3820.00'	125.00'	250.00'
9	90° 37' 01"	50.00'	50.00'	79.09'	23	142° 48' 15"	50.00'	52.12'	67.50'	37	49° 46' 18"	255.00'	94.62'	177.93'	51	1° 31' 30"	3820.00'	51.34'	102.68'
10	109° 59' 09"	50.00'	72.00'	95.97'	24	79° 54' 32"	50.00'	42.44'	69.60'	38	43° 46' 18"	215.00'	88.20'	167.73'	52	2° 20' 15"	3820.00'	144.68'	289.31'
11	84° 26' 41"	45.00'	40.81'	66.30'	25	50° 37' 09"	50.00'	26.07'	51.16'	39	4° 24' 19"	3904.50'	150.21'	299.42'	53	1° 40' 25"	3188.50'	55.52'	111.05'
12	9° 17' 32"	5820.00'	50.46'	101.55'	26	53° 38' 05"	50.00'	26.07'	51.16'	40	8° 49' 55"	3804.50'	291.50'	581.59'	54	1° 19' 55"	3188.50'	44.50'	87.70'

CARDINAL ESTATES
Lots 1 Thru 111

Wheeler ENGINEERS — Petterson SURVEYORS TUCSON ARIZONA — Coffeen PLANNERS

W.O. 11963 — DECEMBER 1972 — SHEET 2 OF 2

Ca 12-72-105

STATE OF ARIZONA
COUNTY OF PIMA } ss.

I hereby certify that the within instrument was filed for record in Pima County, State of Arizona

Witness my hand and Official Seal.

IDA MAE SMYTH
County Recorder

Indexed	Paged	Blotted

FORM 4-19

By [illegible] Deputy

No. 24993
Book 4467 Page 823-824
1973 MAR 19 PM 4 21
Date
Request of Chicago Title

Fee: 2.00

4418 E. Speedway 85712

LAS PALOMAS RE-SUBDIVISION

DECLARATION OF BUILDING & USE RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, being the owner of all the property and premises situated in Pima County, Arizona, described as follows:

> Lots 1 thru 208 inclusive, and Lots 283 thru 321 inclusive, Las Palomas Resubdivision, a subdivision of Pima County, Arizona, according to the official map or plat thereof recorded in the office of the Pima County Recorder, in Book 24 of Maps and Plats, at page 77 thereof.

does hereby establish the following restrictions upon the use and enjoyment of the lots in said subdivision.

1. Said lots shall be known and described as "residential building lots" and used for those purposes only.

2. No structure shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling, not to exceed two stories in height, and private garage and storage room, one story in height. All construction of homes shall be of the type and kind of construction similar to other types of homes presently being constructed in the Southwest.

3. No residence building shall be erected, permitted or maintained on any of said lots, which shall have a ground floor area of less than 900 square feet, such ground floor area to be exclusive of open porches, pergolas, or an attached garage.

4. No building or the covered porches or pergolas thereof shall be erected, placed or permitted at any point on any of said lots nearer than 20 feet from the street front line of said lots; except as to the curved portions of front lines of any lots, the buildings may be placed or permitted up to and not nearer than 10 feet from the nearest point of said curved portions. This particularly applies to all corner lots and all lots surrounding a cul-de-sac.

5. No building or the covered porches or pergolas thereof shall be erected, placed or permitted at any point on any of said lots, nearer than 5 feet to the side lines thereof; provided, however, that this restriction shall not apply to fences, garages, or carports, situated on the side property line at a point parallel with the rear of the house or extended back of this point.

6. Minimum distance from main building to rear lot line shall not be less than 15 feet.

7. No residential building site shall be used for business, nor any activities conducted of an offensive nature, nor any activities conducted creating a noxious odor; except developer may use any number of lots necessary for construction yard, sample houses and offices while engaged in the construction and sale of houses in this subdivision.

8. No temporary house, trailer, garage, tent or other buildings can be placed, or erected upon any part of this subdivision and occupied as living quarters. However, during the construction of a house on any lot any necessary temporary buildings may be erected and maintained by the person constructing the house. No person shall occupy or live in any house until it is completed, painted ready for occupancy.

9. No shrubs, trees, or obstructions of any kind shall be placed on corner lots in such places as to cause a traffic hazard.

10. No cattle, hogs, sheep, goats, horses, rabbits, poultry or other livestock shall be kept or maintained upon any lot. This paragraph shall not be construed, however, as prohibiting or in any way interfering with the keeping or ordinary domestic pet animals upon said property.

11. No vehicle of any type which is abnadoned or inoperable shall be stored or kept on any lot within this subdivision in such a manner as to be seen from any other lot or from any streets or alleyways within this subdivision.

12. The owner or owners of lots or portions of lots in said subdivision shall be responsible for the proper maintenance and repair of the exterior portions of dwellings constructed on said lot or portions so as said dwelling shall not become in disrepair to the extent that same would be highly objectionable and constitute a nuisance.

These covenants and restrictions are made for the benefit of the lots herein described, and are to run with the land and shall inure to the benefit of and be binding on all parties or persons claiming under them until January 1, 1995, at which time such covenants and restrictions shall be automatically extended for successive periods of five years; provided, however, that at any time the owners of 51% or more of the lots in said subdivision by their instrument in writing and duly recorded amend or change these restrictions and conditions.

If any person, their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons, owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation. Provided, that any violation of the foregoing provisions, conditions, restrictions, or covenants shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value as to any portion of said property. But such provisions, conditions, restrictions, or covenants shall be enforceable against any portion of said property acquired by any person through foreclosure or by deed in lieu of foreclosure for any violation of the provisions, conditions, restrictions and covenants herein contained occurring after the acquisitions of said property through foreclosure or deed in lieu of foreclosure.

IN WITNESS WHEREOF, the undersigned has executed these presents this 16th day of March 1973.

CHASTAIN BUILDERS, INC., an Arizona corporation

BY: Dale Chastain

Dale Chastain, President

State of Arizona)
) ss:
County of Pima)

This instrument was acknowledged before me this 16th day of March, 1973, by Dale Chastain, President, Chastain Builders, Inc., an Arizona corporation.

My commission expires: 9/21/76

Carol A. Sanders
Notary Public

Medium Low Intensity Urban (MLIU)

Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.

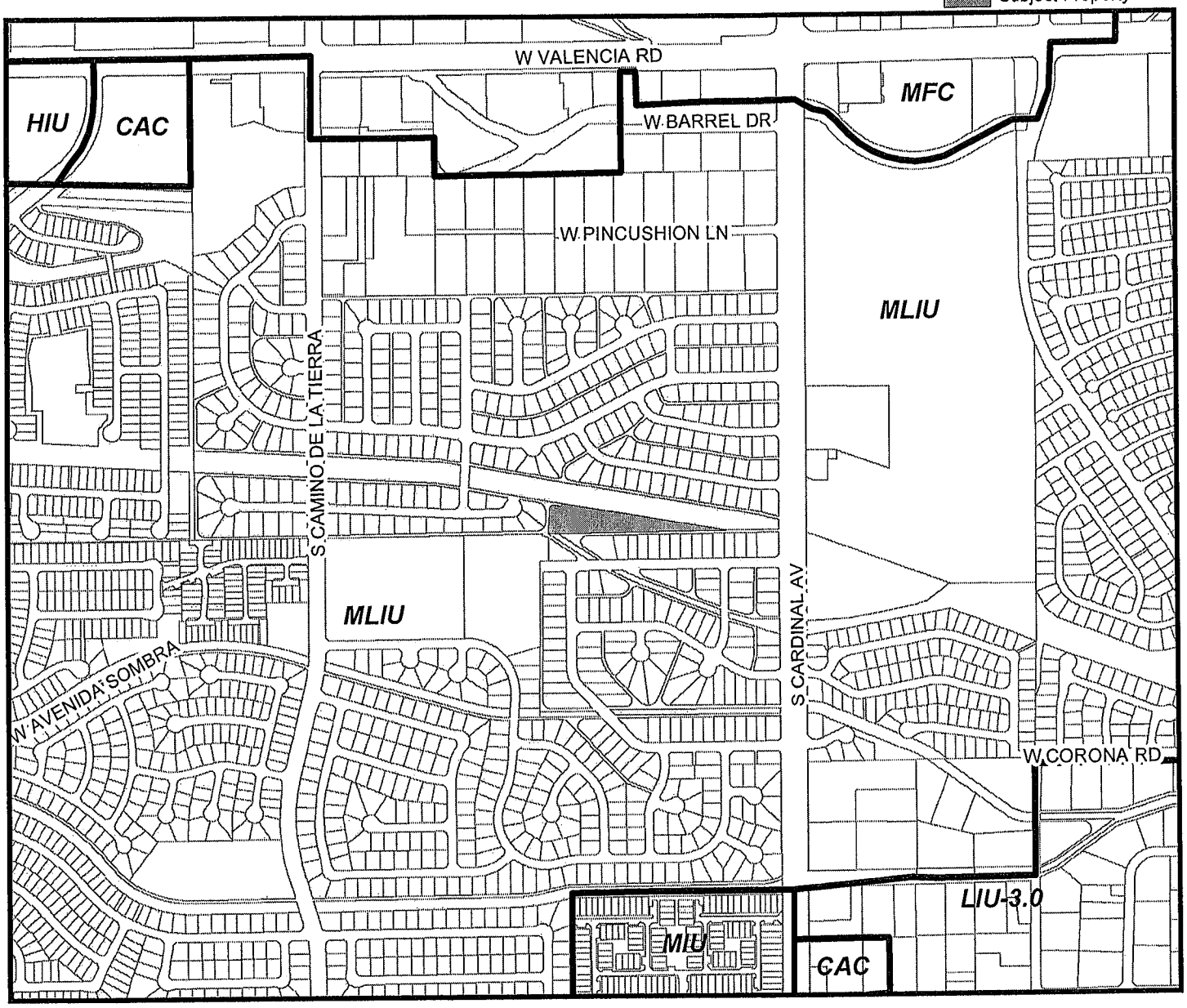
- Residential Gross Density: Minimum- 2.5 RAC; Maximum- 5 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 2.5 RAC; Maximum- 4 RAC

Case #: CO12-72-82 (P19SA00008)
Case Name: LAS PALOMAS RESUBDIVISION (LOT 297)

PIMA COUNTYCOMPREHENSIVE PLAN

Southwest Planning Area
Plan Designation: Medium Low Intensity Urban

Comprehensive Plan
Subject Property



0 360 720 1,440 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

PLAT NOTE WAIVER (LOT 297) | Tax Code(s): 138-26-6800

Map Scale: 1:10,000 | Map Date: 12/9/2019 - ds

N W E S

PIMA COUNTY

BOARD OF ADJUSTMENT DISTRICT 5

PIMA COUNTY GOVERNMENT CENTER

MEMORANDUM OF DECISION

TO: Thomas Drzazgowski, Chief Zoning Inspector

FROM: Thomas Coyle, Asst. Executive Secretary

DATE: November 19, 2019

The Pima County Board of Adjustment, District 5, at a regular hearing held on Thursday, November 14, 2019, heard the following appeals and decided as noted:

HEARINGS

P19VA00020 FLORES – WEST NEBRASKA STREET.
Daniel Flores on property located at **2261 West Nebraska Street** in the CR-4 zone, request the following **variance**:

1. **To keep allotted livestock on the above address.** Section 18.27.010 of the Pima County Zoning Code does not provide for the keeping up to two horses in the CR-4 zone.

The Board APPROVED the variance request subject to the following conditions:

1. This variance approval is subject to continued review based upon the absence of complaints relating to the equine activities.
2. Horses shall be limited to two (2).
3. Hay and feed storage shall be limited to that associated with up to two (2) horses.
4. No on-site sale of feed
5. No noise, light, glare, or odor impacts shall occur in conjunction with the keeping of horses.

P19VA00022 FOYTACK – WEST TUCKER STREET.
Robert Foytack at property located at **3054 West Tucker Street** in the CR-3 zone, request the following **variance**:

1. **Use a platted alley as primary access to a lot.** Section 18.69.040E of the Pima County Zoning Code states that alleys shown on an approved plat shall not be used as primary access to lots.

The Board APPROVED the variance request subject to the following conditions:

1. Only one single family unit shall be developed on the property.
2. Access shall only occur from West Tucker Street.

An application for necessary permits for use of the property and construction shall be made within nine months of the granting of a variance and within thirty days of the issuance of a temporary use permit. Failure to apply for necessary permits within the time limit shall render the variance or temporary use permit null and void.

Thomas Coyle, Asst. Executive Secretary

Co9-72-74 Original Rezoning Approval BOS min. 6-19-72

The Chairman inquired [illegible] in support of his petition. It was thereupon moved by Mr. Weaver, seconded by Mr. Jay, and carried that the rezoning from SR to CR-1 be approved subject to the Commission's recommendations and that the necessary ordinance be drawn for presentation to the Board upon compliance with the requirements.

18. DP&Z-Z: Co9-72-74, PIONEER NATIONAL TRUST COMPANY (T-10232) PETITION

The Chairman stated that this is the time and the place designated and legally advertised for hearing on the petition (Co9-72-74) of Pioneer National Trust Company (T-10232) to rezone from GR to CR-3 property (approximately 107 acres) on the west side of Cardinal Avenue south of Valencia Road, within the Saginaw Hill Area Plan (Co13-70-3). The Planning Director reported that the petition is in order and that the Planning and Zoning Commission unanimously recommends that the petition be approved subject to:

B/S min

6-19-72 (4)

"(1) Submittal of a drainage report;

(2) Recording an acceptable plat that will provide for necessary rights of way for roads and drainage;

(3) Recording a covenant holding Pima County harmless in the event of flooding;

(4) Completion of the requirements for a zoning ordinance within three (3) years from the date of approval by the Board of Supervisors; and,

(5) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities."

He added that the Commission had received several protests, eight of which were from within less restrictive zones than CR-3. The property had previously been approved for TH zoning, in which 21.7 units per acre are permissible; and since only 3.4 units can be built in CR-3 zones, the dense development the protestants feared will not take place. In reply to a question from Mr. Jay, the Planning Director stated the property is outside the radius of the Historic Zone designated for the San Xavier Mission.

The Chairman inquired whether anyone wished to be heard. Ray Elias, engineer representing the petitioners, stated he was present to answer any questions which might arise. No one else appeared. It was thereupon moved by Mr. Weaver, seconded by Mr. Jay, and carried that the rezoning from GR to CR-3 be approved subject to the Commission's recommendations and that the necessary ordinance be drawn for presentation to the Board upon compliance with the requirements.

19. DP&Z-Z: Co9-72-79, M. M. MOORE PETITION

The Chairman stated that this is the time and the place designated and legally advertised for hearing on the petition (Co9-72-79) of Michael M. Moore to rezone from CR-1 to CR-5 property (approximately 8.75 acres) on the west side of the Tucson-Florence Highway approximately one-quarter mile south of Orange Grove Road. The