

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

**HEARING** January 27, 2016

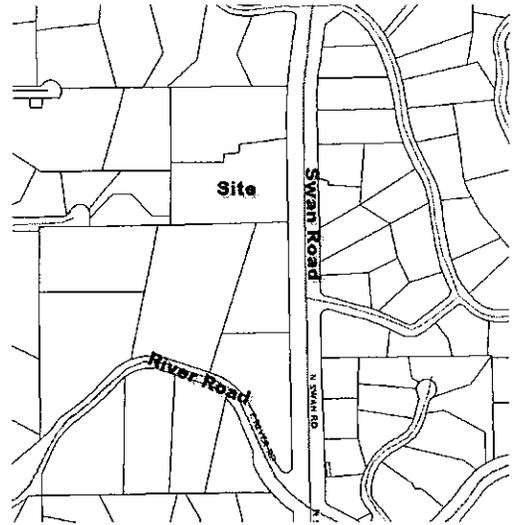
**DISTRICT** 1

**CASES** Co9-78-32 Matyi – Swan Road  
Rezoning

**REQUEST** Modification of Rezoning Conditions -  
(Substantial Change) on 4.55 acres

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

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



**APPLICANT'S REQUEST**

Modification (substantial change) of the following CR-1 rezoning conditions:

- #1A which requires that no more than three parcels be created. The applicant requests to waive the condition and proposes four parcels.
- #1B which requires that each parcel be a minimum of 43,560 square feet, exclusive of easements, rights-of-way, etc. The applicant requests to waive this requirement and proposes parcels in excess of 43,560 square feet, inclusive of easements.

**COMPREHENSIVE PLAN DESIGNATION**

The comprehensive plan designation of the site is Low Intensity Urban 1.2 (LIU 1.2). The existing CR-1 zoning of the subject property complies with LIU 1.2. The objective of LIU 1.2 is 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. The maximum density is 1.2 residences per acre (R/AC) with allowance of density bonuses of 2.5 RAC with 45 percent open space and 4.0 RAC with 60 percent open space.

Special Area Policy S-2 (attached) applies to the site and the Catalina Foothills area generally. This policy limits building construction to a maximum of 24 feet unless otherwise authorized by the by the Board of Supervisors which also reserves the right to limit construction to one story.

## **SURROUNDING LAND USES/GENERAL CHARACTER**

North:	CR-1 (Single Residence)	Residential
South:	SR (Suburban Ranch)	Residential
	CR-1	Church
East:	CR-1	Swan Road/Residential
West:	SR	Residential
	CR-1	Residential

## **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the request to waive rezoning conditions 1A and 1B to allow four CR-1 residential parcels to be created rather than only three (1A) and to allow lifting of the requirement to have minimum acre-sized (43,560 square feet) lots inclusive rather than exclusive of easements and rights-of-way (1B).

Staff further recommends amendment of conditions, including replacements for conditions 1A and 1B, waiver and replacements for other conditions, modifications to some conditions, and additional conditions in response to the applicant's proposal and to update conditions for this 1978 rezoning to reflect current standards, methods, and policies 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 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)."

### **STAFF REPORT**

Staff supports this request to waive conditions **1A** and **1B** because they are outdated and no longer reflect current law and regulation. When the CR-1 residential rezoning (Waiver of the Platting Requirement of the Catalina Foothills Zoning Plan) was approved in 1978, only three lots could be created without a subdivision plat. The request was for three parcels and it was restricted accordingly per condition **1A**. Current statute allows an individual to create five small parcels without a subdivision plat. The current applicant requests four parcels. (The applicant indicates that the rezoning was approved in 1999, but that is when the site was ordinated. The site remains undeveloped.)

Condition **1B** requires each parcel to have a minimum size of 43,560 square feet (one acre), *exclusive* of easements, rights-of-way, etc. The current standard for use of on-site sewage disposal systems does not exclude on-site easements and allows use of half of adjacent rights-of-way and easements that can suitably absorb effluent.

Staff further recommends that conditions **1A** and **1B** be replaced with conditions common to low-density residential rezonings where on-site sewage disposal systems will be utilized to ensure compliance with current Pima County Department of Environmental Quality standards. This includes allowing easements within the parcels to count toward the minimum acre requirement for use of on-site sewage disposal systems as is proposed. Staff also recommends additional condition **1D** as another common condition for use of on-site sewage disposal systems. Condition **1C** is recommended for slight modification to delete the covenant requirement aspect as it is an approach to rezoning condition "compliance" via recorded covenants to allow rezoning ordinances to be adopted circa 1978. Current policy and regulation provide for adoption of rezoning ordinances prior to compliance with rezoning conditions without the need for initial covenants.

Similarly, staff recommends deletion of the covenant requirement aspect of condition **2A** which provides for necessary road and drainage rights-of-way. Additional road right-of-way is not currently required.

Condition **2B**, which requires a covenant to improve and pave adjacent streets and roads, is recommended for waiver. The one adjacent street, Swan Road, has undergone major improvement since the 1978 rezoning approval. The condition is, however, recommended for replacement with a condition which requires a minimum of chip seal pavement of the proposed common driveway (potential cul-de-sac) within the rezoning site. This is a commonly recommended condition for rezonings in which multiple unsubdivided lots with a single access drive are proposed. It serves to reduce dust generated by the additional residential lots granted.

The proposed common access drive from Swan Road will serve all four proposed parcels as an easement within the two proposed eastern-most parcels. The potential cul-de-sac design may be required to serve emergency vehicles turn-around maneuverability.

Condition **2C**, which requires recording of necessary covenants in conjunction with the approval of a development plan is recommended for waiver. The proposed development of four residential lots does not require a development plan. In its place, an unrelated condition is recommended by Flood Control to require floodplain and riparian habitat mitigation areas to be contained in permanently identified open space through easement or dedication.

Condition **2D** regarding permission for further lot splitting also has the covenant aspect that it recommended for deletion to align the condition with the current standard.

Condition **6**, which addresses paving obligations for Swan Road, is recommended for waiver. As noted, Swan Road has been fully improved since the rezoning approval. In its place, an unrelated condition is recommended pertaining to title report information required for any dedication or other recording requirements.

Additional condition 7 requires adherence to the four-parcel sketch plan proposed. The sketch plan depicts four parcels in excess of one acre each. Based on Mapguide, the non-surveyed average cross-slope is approximately 11.47 percent. The two proposed western-most parcels contain the majority of the steepest slopes. As a result, they feature proposed Hillside Development Overlay Zone Natural Open Space (HDZ NOS) set-aside to reduce the higher individual average cross slopes of each proposed parcel to allow the proposed unit density. The proposed set-aside will also capture the larger natural drainage course within the site and most of the Regulated Riparian Habitat that will be re-mapped to correct mapping error as per the Flood Control Report below.

Additional condition 8 limits building heights to 24 feet as per Special Area Policy S-2 (attached) that applies to the Catalina Foothills area. The sketch plan also indicates a private agreement for a 24-foot maximum building height limit. In addition, residences within the two proposed eastern-most parcels are limited by code to a maximum height of 24 feet as they will be within 200 feet of the Swan Road scenic route.

Policy S-2 also provides the Board the option of limiting building heights to one story. However, the applicant notes that area assigned on the sketch plan to be preserved as HDZ NOS provides a view corridor for the neighbor to the west. Additionally, the zoning code has provisions for a two-story setback requirement to promote privacy adjacent to existing one-story development. Homes to the north, west, and northwest are one-story. A two-story home exists to the southwest. Policy S-2 did not exist at the time of original rezoning approval.

Additional condition 9 requires underground utilities consistent with requirements for a subdivision plat and provides elements of safety, weather resilience, and aesthetics.

Additional condition 10 is a more recent standard condition for adherence to rezoning conditions should the subject property be annexed.

Additional condition 11 is also a more recent standard condition related to recording a disclaimer pertaining to Proposition 207 rights.

With exception of parcels directly west of the site, parcels adjacent to the site are as large as or larger than the site in its current undivided form. However, the four smaller parcels proposed will not be unusual in the general vicinity of the site where similar sized parcels and subdivided lots are present. The sizes of the proposed parcels range from approximately 1.0 to 1.26 acres.

### **Concurrency**

The site meets applicable Concurrency Review Criteria for infrastructure availability or conditional provision requirements for a recommendation of approval (see Concurrency summary table below). The Tucson Unified School District was not contacted for this proposal for one additional residence.

2. Parcels shall be of sufficient size and designed in such a manner to accommodate the existing and proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable setbacks for on-site sewage disposal.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

NRPR has no objection to the applicant's request.

#### **U.S. FISH AND WILDLIFE SERVICE REPORT**

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 Native Plant Preservation Ordinance be implemented on this site.

#### **TUCSON WATER REPORT**

Tucson Water has no objections to the proposed Modification of Rezoning Conditions for this parcel located along the west side of Swan Road approximately 1600 feet north of the intersection of Swan Road and River Road.

However, an off-site main extension of approximately 450 feet will have to be constructed in order to bring water to this site. An existing 8" main within Swan Road to the north would have to be extended southward to achieve this end. All required improvements are paid for by the developer.

All water services/meters must front the parcel they are to serve.

#### **RURAL/METRO FIRE DEPARTMENT REPORT**

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the rezoning request.

The following condition will apply:

1. As the development continues into the plan stage, the applicant will be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinkler systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

#### **TUCSON ELECTRIC POWER COMPANY REPORT**

To date, staff has not received a response to a request for comments.

#### **PUBLIC COMMENT**

To date, staff has not received any public comments pertaining to this request.

Respectfully Submitted,



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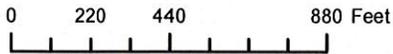
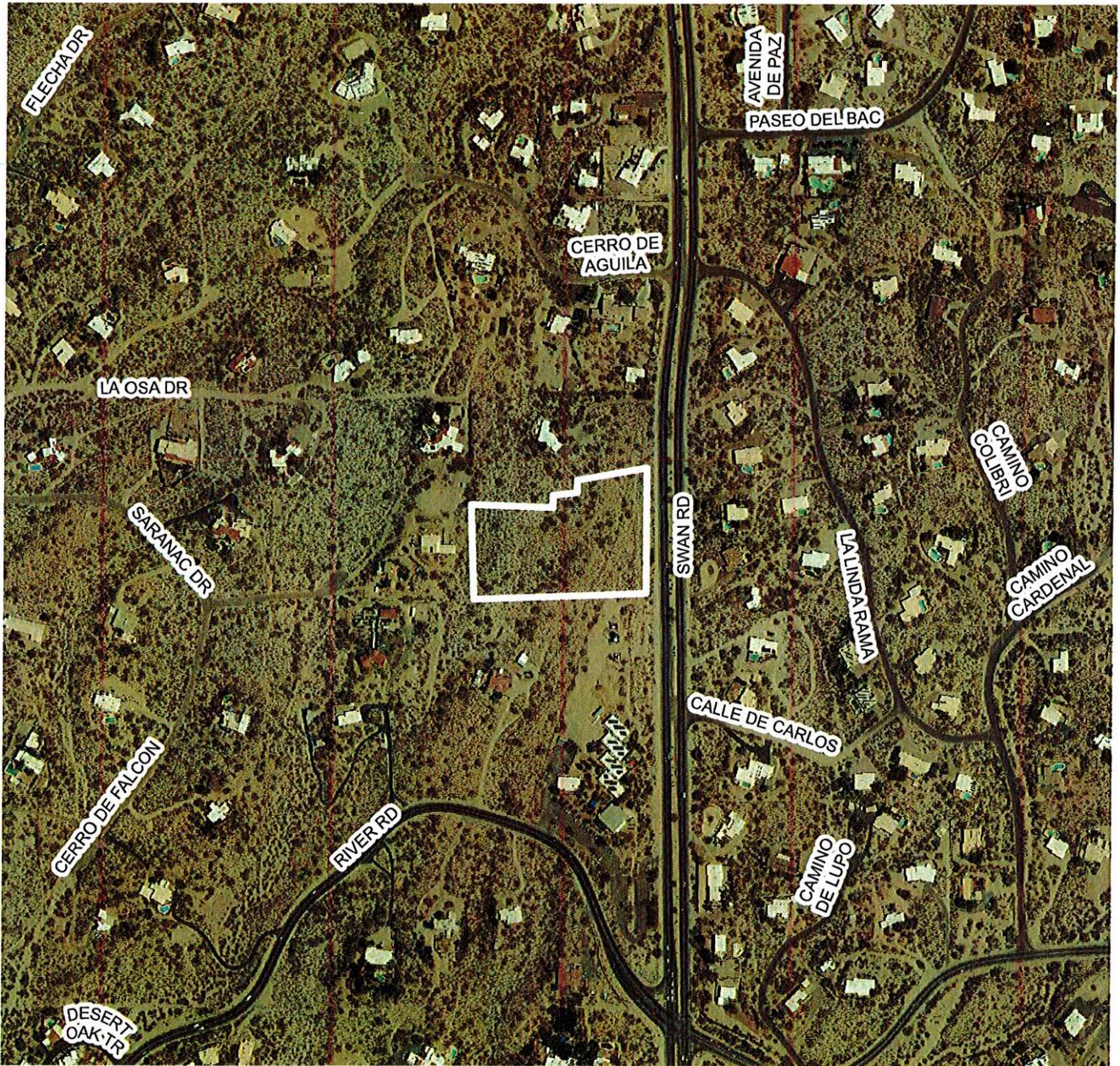
David Petersen, AICP  
Senior Planner

CP/DP

c: River and Swan Homes, LLC, 811 N. Grand Avenue, Nogales, AZ 85621-2217  
SBBL Architecture + Planning, LLC, Attn: Thomas Sayler-Brown, 15 E.  
Pennington Street, Tucson, AZ 85701

Case #: CO9-78-032 MATYI - SWAN ROAD REZONING

Tax Code(s): 109-17-0230



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes: **MODIFICATION OF REZONING CONDITIONS**

Planning & Zoning Hearing: 1/27/16

Base Map(s): 25

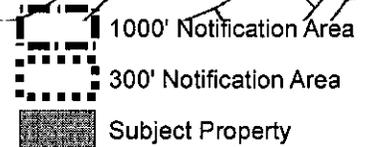
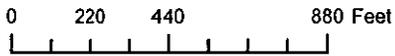
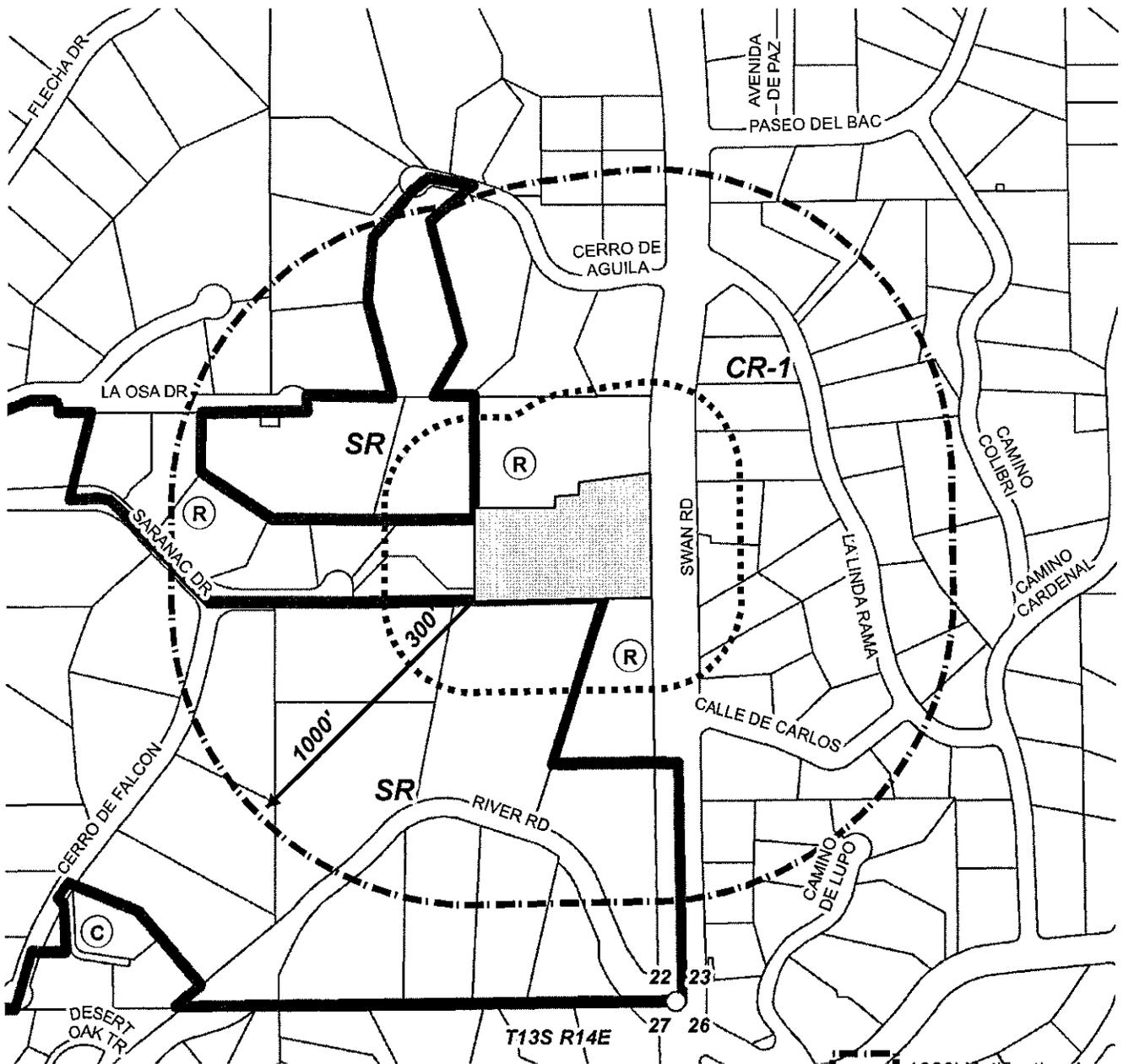
Map Scale: 1:6,000

Map Date: 12/31/2015



Case #: CO9-78-032 MATYI - SWAN ROAD REZONING

Tax Code(s): 109-17-0230



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**



Notes: **MODIFICATION OF REZONING CONDITIONS**

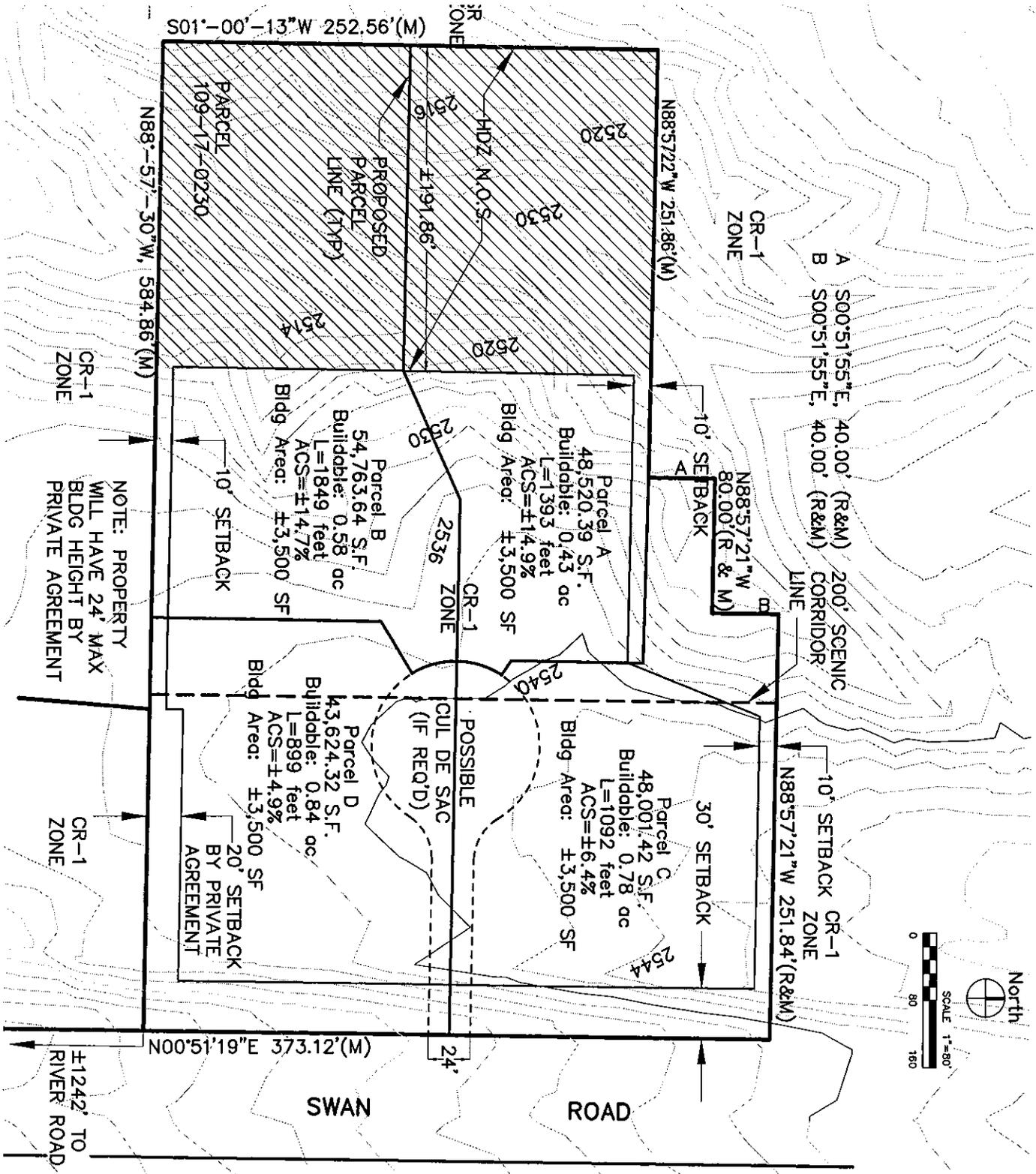
Planning & Zoning Hearing: 1/27/16

Base Map(s): 25

Map Scale: 1:6,000

Map Date: 12/22/2015





PRELIMINARY NOT FOR CONSTRUCTION

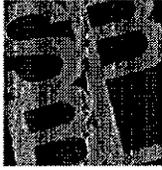


REVISED SKETCH PLAN  
 CO9-78-73  
**SBBL Architecture + Planning**  
 15 E. Pennington Street Tucson, Arizona 85701  
 t: 520.620.0255 f: 520.620.0535 e: sbbbl@sbbbl.biz

NEAR NWC RIVER & SWAN  
**SWAN ROAD HOMESITES**  
 TUCSON, ARIZONA

Date	10/21/15
Proj. No.	15051
Revision No.:	
Sheet No.	

**SP-1**



ARCHITECTURE  
& PLANNING

SBBL Architecture & Planning, LLC  
15 E. Pennington Street, Tucson, AZ 85701

October 21, 2015

*Revised: December 16, 2015*

Pima County Development Services Department – Planning Division  
201 N. Stone, 2<sup>nd</sup> floor  
Tucson, AZ 85701

Re: Parcel 109-17-0230

To Whom It May Concern:

With this letter, we are requesting modification of zoning conditions 1.A and 1.B (described below) that were established in case number CO9-78-32 (Docket 11011, Page 354).

The above-referenced property area is approximately 4.47 acres and is located just north of River Road on the west side of Swan Road. It was rezoned CR-1 (Single Residence Zone) in 1999 which allows single family homes served by septic on 1-acre parcels. Most of the properties within 300 feet of the property are also CR-1-(Single Residence Zone), and some of the properties to the northwest, south, and southwest of the site are zoned SR (Suburban Ranch Zone).

Our plan is to divide the property into four separate acre-sized lots. We will be providing a single drive from Swan Road to access all four sites. We are also designating a portion of the site on the west as a no-build area to preserve the existing natural features and to provide the neighbor to the west with a “protected” view corridor. Attached to this request is a preliminary site plan showing the proposed lots. After accounting for the proposed HDZ natural open space set aside (referred on site plan as “HDZ N.O.S”), each lot has +/-15% average cross slope to achieve the four-lot density desired at +/- 1 unit/acre.

The two conditions in question that we want to modify include:

- 1.A: Covenant that no more than three parcels can be created.
- 1.B: Covenant that each parcel shall be a minimum size of 43,560 square feet, exclusive of easements, rights-of-way, etc.

Condition 1.A

In 1999, when this site was rezoned, State law limited property splits to three per property as long as the new properties met the requirements of the particular zone. This would explain the restriction in 1.A. Today, properties can be re-described with up to five splits. We request that this condition be deleted.

Condition 2.A

The Zoning Code allows properties that face a major street to use up to one half of the right-of-way in calculating site area. While we may not need to include a portion of the right of way in our site areas, this second condition precludes the possibility. Also, easements typically do not impact the areas of sites. There are currently no easements on the site, but new easements will be created with our new development. We request that the condition be deleted, since the Zoning Code already establishes the minimum development requirements.

Prior to submitting this request, we sent letters to each of the property owners within 300 feet of the property advising that we want to divide the property for four home sites. We also met with or spoke with Ally Miller, three adjacent property owners, and a few of the property owners who called for more information.

Thank you.

Sincerely,

SBBL Architecture + Planning, LLC

A handwritten signature in black ink that reads "Sayler-Brown". The signature is written in a cursive, flowing style.

Thomas Sayler-Brown, AIA, President

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F. ANN RODRIGUEZ, RECORDER  
Recorded By: SAF  
DEPUTY RECORDER  
4942

CATAL  
CATALINA TITLE AGENCY  
1580 N KOLB RD 110  
TUCSON AZ 85715



SEQUENCE: 20152670689  
NO. PAGES: 3  
WTDEED 09/24/2015  
AFFIDAVIT 16:11  
MAIL  
AMOUNT PAID: \$17.00

ESCROW NO.: 600-48572-TLF

SPACE ABOVE THIS LINE FOR RECORDER'S USE

600-48572-TLF

900-020702AM

**SPECIAL WARRANTY DEED**

For the consideration of Ten Dollars, and other valuable considerations, I or we,

**Church of St Francis in the Foothills, Methodist, an Arizona Corporation**

do/does hereby convey to

**River And Swan Homes, LLC, an Arizona limited liability company**

the following real property situated in Pima County, Arizona:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

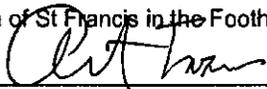
The subject property is hereby DEED RESTRICTED to a maximum Building Height of 24 feet, and a building setback of 20 feet from the southern boundary.

Dated: September 10, 2015

Grantor(s):

Church of St Francis in the Foothills United Methodist

BY:

  
Art Evans, President

**EXHIBIT A**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

All that certain real property situate in the County of Pima, State of Arizona, recorded in Sequence 20120800678, records of said Pima County, describing a portion of the South half of the Northeast Quarter of the Southeast Quarter of Section 22, Township 13 South, Range 14 East, Gila and Salt River Meridian;

More particularly described as follows:

Beginning at the Southeast corner of said Section 22, a brass survey monument in a hand-well;

Thence North 00 degrees 51 minutes 55 seconds East, 1703.33 feet from said Point of Beginning, Northerly along the East line of the Southeast Quarter of said Section 22, to a point thereon;

Thence North 88 degrees 57 minutes 21 seconds West, 75.00 feet Westerly from said East line to the Northeast corner of said recorded parcel and the True Point of Beginning of Exhibit A herein described, marked by a No. 4 rebar to which an acceptance tag was attached by RLS 26932;

Thence South 00 degrees 51 minutes 55 seconds West, 373.12 feet from said True Point of Beginning, Southerly along the West right-of-way line of Swan Road, common with the east line of said recorded parcel to the Southeast corner thereof, marked by a No. 4 rebar with registration tag, RLS 23956;

Thence North 88 degrees 57 minutes 30 seconds West, 584.86 feet; Westerly from said Southeast corner along the measured South line of said recorded parcel to a No. 5 rebar to which an acceptance tag was attached by RLS 26932 at the Southwest corner thereof;

Thence North 01 degrees 00 minutes 13 seconds East, 292.56 feet Northerly from said Southwest corner along the measured West line of said recorded parcel to a No. 4 rebar to which an acceptance tag was attached by RLS 26932 at the Northwest corner thereof;

Thence South 88 degrees 57 minutes 22 seconds East, 251.86 feet Easterly from said Northwest corner along the measured North line of said recorded Parcel to a No. 5 rebar to which an acceptance tag was attached by RLS 26932 at an angle point;

Thence North 00 degrees 51 minutes 55 seconds West, 40.00 feet Northerly from said angle point along the measured boundary of said recorded parcel to a No. 5 rebar to which an acceptance tag was attached by RLS 26932 at an angle point;

Thence South 88 degrees 57 minutes 21 seconds East, 80.00 feet Easterly from said angle point along the measured North line of said recorded parcel to a No. 5 rebar to which an acceptance tag was attached by RLS 26932 at an angle point;

Thence North 00 degrees 51 minutes 55 seconds West, 40.00 feet Northerly from said angle point along the measured boundary of said recorded parcel to a No. 5 rebar to which an acceptance tag was attached by RLS 26932 at an angle point;

Thence South 88 degrees 57 minutes 21 seconds East, 251.84 feet Easterly from said angle point along the measured North line of said recorded parcel the True Point of Beginning.

EXCEPT all coal and other minerals as reserved in the Patent from the United States of America in Deed Book 168, page 285.

Agent Last Updated: 08/24/2015

Additional Entity Information 

Entity Type: DOMESTIC L.L.C.

Business Type:

Incorporation Date: 8/10/2015

Corporation Life Period: PERPETUAL

Domicile: ARIZONA

County: SANTA CRUZ

Approval Date: 8/24/2015

Original Publish Date:

Manager/Member Information 

Name	ISAAC ZAIED
Title	MEMBER
Address	811 N GRAND AVE NOGALES, AZ 85621
Date of Taking Office	08/10/2015
Last Updated	08/24/2015

Name	JORGE ZAIED
Title	MEMBER
Address	811 N GRAND AVE NOGALES, AZ 85621
Date of Taking Office	08/10/2015
Last Updated	08/24/2015

Scanned Documents 

Click on a gold button below to view a document. If the button is gray, the document is not yet available. Please check back again later.



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# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

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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

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## USFWS

Reviewer: Scott Richardson

Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745

Phone: (520) 670-6144 x 242

E-mail: [scott\\_Richardson@fws.gov](mailto:scott_Richardson@fws.gov)

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.

# LIU-1.2

Pima County Comprehensive Plan  
Catalina Foothills Subregion  
Plan Designation: Low Intensity Urban 1.2  
(LIU 1.2)  
Special Area Policy S-2 (Catalina Foothills)



S-2

Swan Road

Site

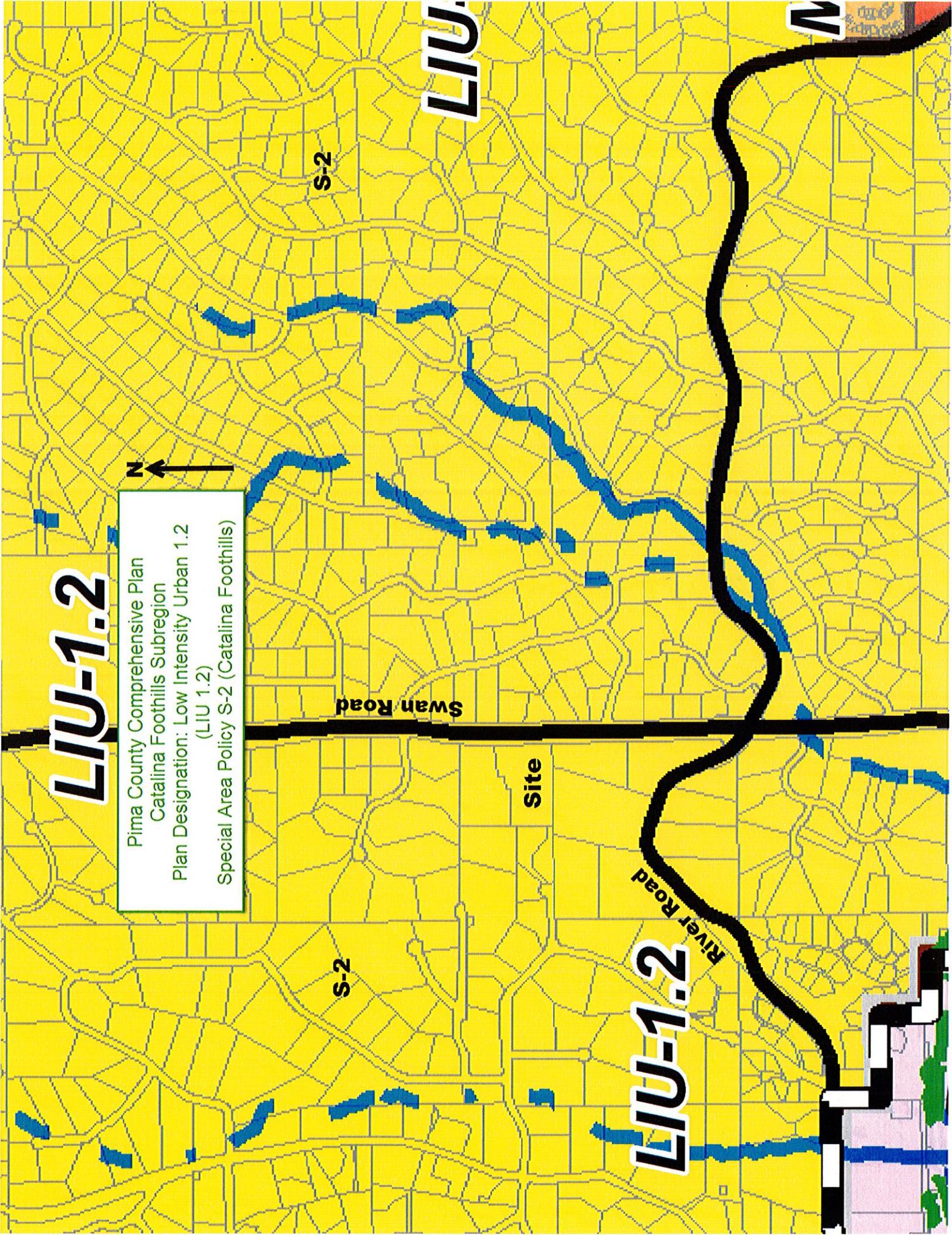
S-2

# LIU-1.2

River Road

# LIU

# N



## 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. 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 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) 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 – 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**

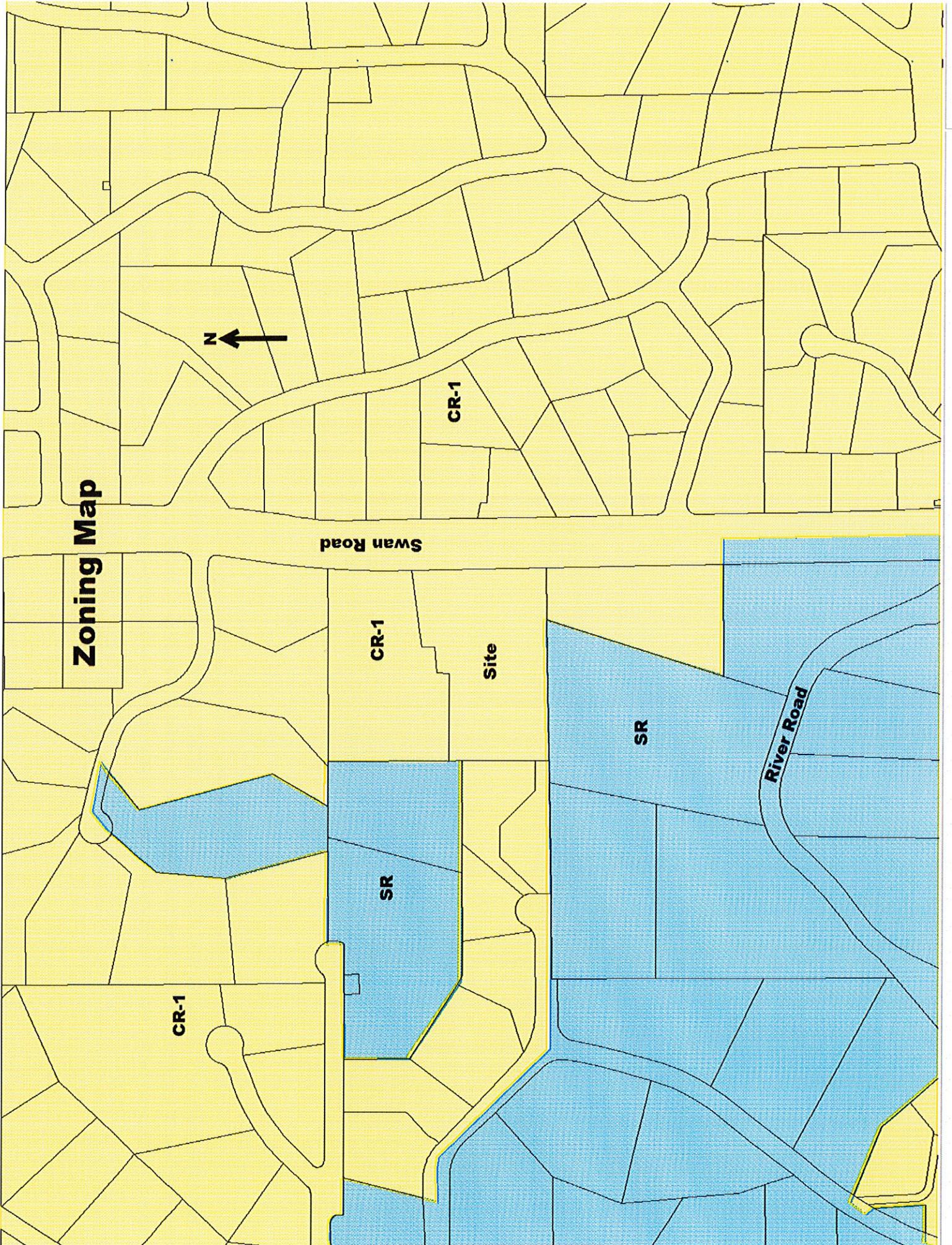
## **S-2 Catalina Foothills (CF)**

### **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.



**Zoning Map**



Swan Road

CR-1

Site

SR

River Road

SR

CR-1

CR-1

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: F  
DEPUTY RECORDER  
1943 ROOF



DOCUMENT: 11011  
PI 354  
NO. OF PAGES: 4  
SEQUENCE: 19990570127  
03/25/1999  
ORDIN 10:43  
PICKUP  
AMOUNT PAID \$ 0.00

EO230  
PIMA CO CLERK OF THE BOARD  
PICKUP  
TUCSON AZ 85701

ORDINANCE 1999- 23

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (TAX CODE 109-17-0230) IN CASE Co9-78-32 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.**

1. 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.

44 07 03



Passed and adopted by the Board of Supervisors of Pima County,  
Arizona, this 16th day of March, 1999.

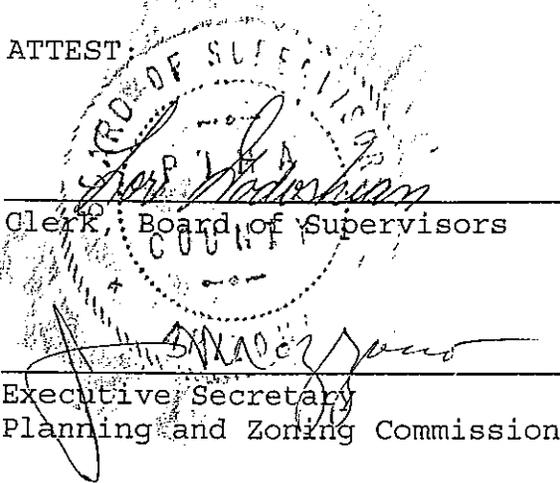
Shawn Bronson

MAR 16 1999

Chair, Board of Supervisors

Date

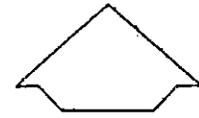
ATTEST

A circular seal for the Board of Supervisors of Pima County is stamped over the signature of the Clerk. The seal contains the text "BOARD OF SUPERVISORS" and "PIMA COUNTY" around the perimeter. The signature of the Clerk is written across the seal.  
[Signature]  
Clerk, Board of Supervisors

[Signature]  
Executive Secretary  
Planning and Zoning Commission

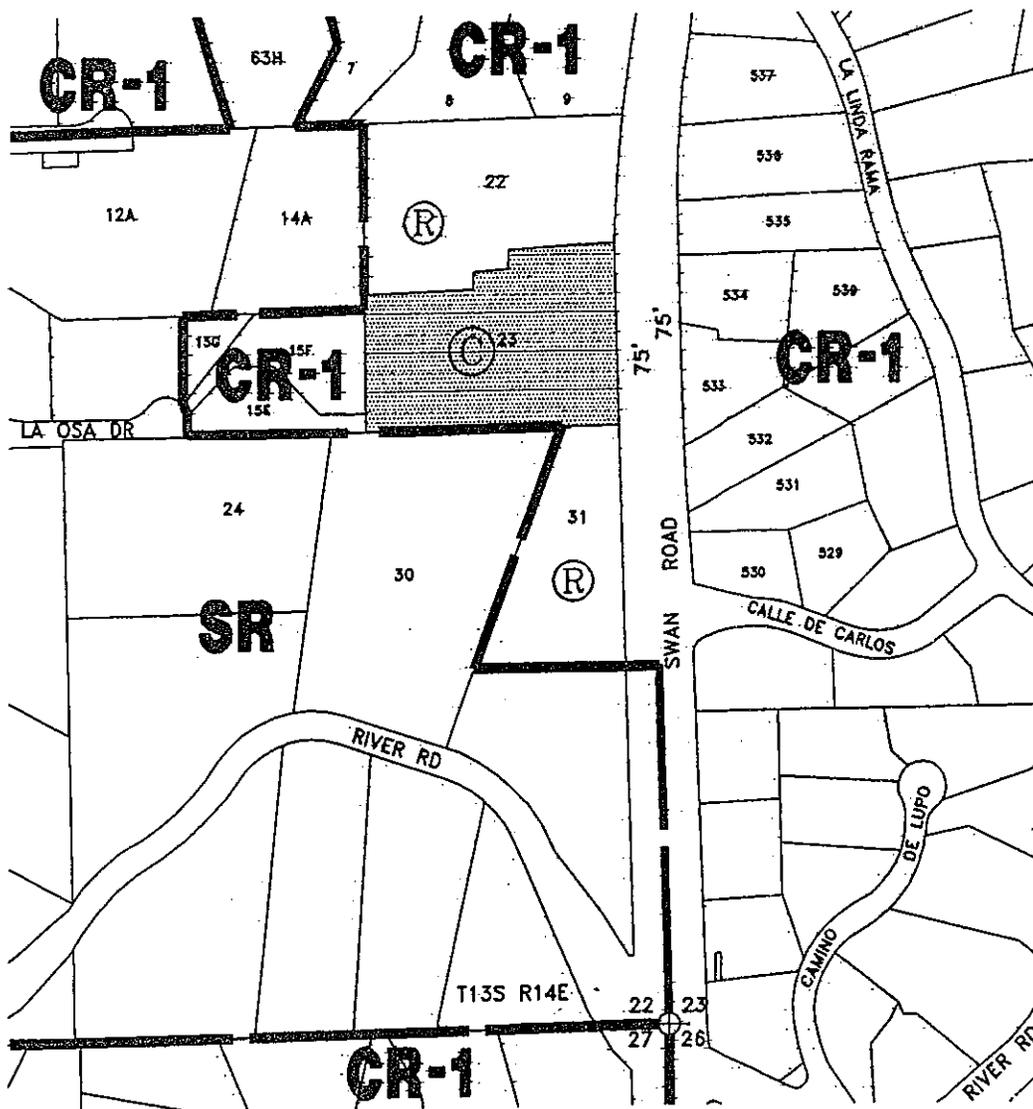
00103

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.



0 400'

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



*J. Mezzano*  
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

1999-03-16 10:00 AM

# Co9-78-32 Rezoning Approval BOS Minutes 5-1-78

49. ~~DP&Z-P: Co9-78-32 JOHN J. AND MARY C. MATYI PETITION~~

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 (Col3-59-4). 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 rights-of-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.

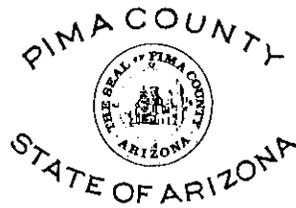
50. ~~DP&Z-P: Col4-78-1, STREET NAME CHANGES~~

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:

<u>FROM</u>	<u>TO</u>
Eunice Drive	Peterson Place
Eunice Lane	Alana Lane
Rasmussen Lane	Tophoy Place
Rasmussen Drive	Nicole Place
Rasmussen Circle	Blacksill Drive
Rasmussen Place	Blacksill Drive
Westfal Place	Croxen Place
Westfal Lane	Rasmussen 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, and unanimously carried, to pass and adopt



DEPARTMENT OF SANITATION  
PIMA COUNTY GOVERNMENTAL CENTER  
TUCSON, ARIZONA 85701

M E M O R A N D U M

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

FROM: Jack Delaney, P.E. *JD*  
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.

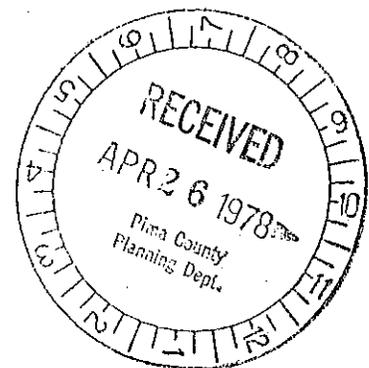
- 
4. Co9-78-32 Matyi - Swan Road Rezoning

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

JERRY R. JONES, P. E.  
Director

April 21, 1978

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

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

Dear Sir:

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

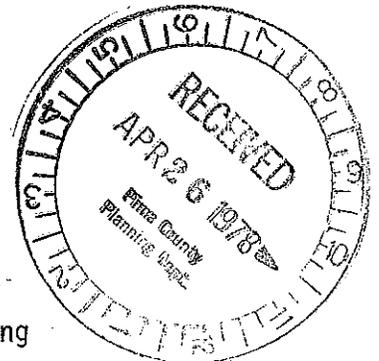
1. Provide by Covenant for the following items before Building Permits are issued:
  - a. Necessary rights-of-way for roads and drainage.
  - b. Adjacent streets and roads to be improved and paved.
  - c. Recording the necessary Covenants in conjunction with the approval of a development plan.
  - d. 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

A handwritten signature in cursive script that reads "Donald G. Aday".

Donald G. Aday  
Subdivision Engineering



DGA/1c  
cc: Clerk - Board of Supr.