

MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 10, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 10, 2009. Upon roll call, those present and absent were as follows:

Present:               Richard Elías, Chairman  
                              Ramón Valadez, Vice Chairman  
                              Sharon Bronson, Member  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

Absent:                 Ray Carroll, Member

1.   **DONATION AGREEMENT AND WAIVER OF APPRAISAL AND COMPENSATION**

Dana Vincil, Trustee under the Dana Vincil Family Trust, to provide a Donation Agreement and Waiver of Appraisal and Compensation, to donate 12.33 acres to protect habitat for a range of plants, animals and ecosystem protection along the Molina Canyon Wash, Flood Land Acquisition Program, contract amount not to exceed \$20,500.00 closing cost (11-59-V-141780-0309)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to approve the Donation Agreement and waiver of appraisal and compensation.

2.   **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

MARCH 10, 2009

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 10, 2009. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman  
Ramón Valadez, Vice Chairman  
Sharon Bronson, Member  
Ann Day, Member  
Lori Godoshian, Clerk

Absent: Ray Carroll, Member

1. **LITIGATION**

The Board of Supervisors' on 6/17/08, continued the following:

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was continued for three months to June 2009, a specific date yet to be determined.

2. **APPEAL OF HEARING OFFICER'S DECISION**

P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern

In accordance with the Pima County Zoning Code Section 18.95.030D, Robert and Teresa Kern appeal the decision of the Hearing Officer in Case No. P07ZV00758–2, 3, 4, 5 and 6, regarding violations of the following sections of the Pima County Zoning Code: 18.14.020 and 18.14.030, stored vehicles not allowed in GR-1 Zone; 18.79.100A, banner sign not allowed in GR-1 Zone; 18.01.030E.1, structure without permit-hay barn; 18.01.030E.1, structure without permit-metal shed; and 18.01.030D, non-adherence to a development plan. The property is located at 3302 E. Edwin Road. (District 1)

This item was continued for three months to June 2009, a specific date yet to be determined.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 10, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 10, 2009. Upon roll call, those present and absent were as follows:

Present:               Richard Elías, Chairman  
                              Ramón Valadez, Vice Chairman  
                              Sharon Bronson, Member  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

Absent:                 Ray Carroll, Member

1.    **INVOCATION**

The invocation was given by Pastor Jung Sook Kim of the Korean Presbyterian Church of Tucson.

2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.    **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

...   **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, that the Board convene to Executive Session at 9:15 a.m.

4.    **RECONVENE**

The meeting reconvened at 9:45 a.m. All members were present.

5.    **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for Petkopoulos v. Pima County, Tax Parcel No. 219-12-0150, Arizona Tax Court Case No. ST2008-000943.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement for real property that does not have a water supply thereby diminishing its value. The full cash value would decrease from \$150,000.00 to \$100,000.00 for tax year 2009. The Assessor and the County Attorney's Office recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to accept the recommendation.

## 6. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County vs. Denny Nolen Corp., et. al., Pima County Superior Court Cause No. C20090875 including whether or not to request a criminal and/or civil action by the Arizona Department of Real Estate and/or the Arizona Attorney General's Office.

The following speakers addressed the Board:

- |                    |                     |
|--------------------|---------------------|
| 1. Maggie Bessette | 5. Glen Lyon        |
| 2. Barry DiSimone  | 6. Melody Ballard   |
| 3. Lawrence Joyce  | 7. Glen Ballard     |
| 4. Mike Magras     | 8. Robert Mathieson |

They provided the following comments:

- A. The speakers requested that Pima County pursue civil and criminal action against the Denny Nolan Corp. including those who worked in concert with him for illegal subdividing and suspected consumer fraud;
- B. Civil action against the Denny Nolan Corp. has done little, if anything;
- C. Suggestions and written comments were provided to the Board regarding how to proceed against the Denny Nolan Corp. that would not drain County funds;
- D. The County was urged to identify and seize assets of the corporation before they disappeared or were liquidated;
- E. Ruby Star Airpark was investigated by a former Real Estate Commissioner for a second time in 2007, and the Commissioner indicated there was a strong case against Denny Nolan;
- F. A Consent Order was issued to the Denny Nolan Corp., et. al., that did not resolve issues;
- G. The Nolans own Ruby Star Airpark Water Users Association and it is not recognized by the Arizona Corporation Commission, and the property owners have issues with an inadequate water supply and rate increases by an unregulated association;
- H. Without enforcement of the law to compel the Denny Nolan Corp. to complete the airpark, any improvements made would be made on the backs of all property owners through special fees, assessments and liens;
- I. Uncertainty was expressed whether criminal acts or a land fraud scheme had occurred; and,

- J. A request was made to meet with the Board of Supervisors' or the County Attorney's Office regarding the homeowners association board and a quo warranto issue.

Supervisor Bronson asked the County Attorney's Office to obtain information regarding whether the County had statutory authority to conduct an election for a new homeowners association board. In addition, she expressed her willingness to work with the County Attorney's Office regarding the quo warranto issue.

Chris Straub, Chief Civil Deputy County Attorney, stated this case involved an illegal subdivision for which the County Attorney's Office was already pursuing civil action in Superior Court. Direction was requested regarding whether to ask the Arizona Department of Real Estate and the Arizona Attorney General's Office to consider criminal and/or civil proceedings to enforce the Arizona Department of Real Estate's Consent Order.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to request that the Arizona State Real Estate Commissioner and the Attorney General pursue civil and criminal action against the Denny Nolan Corp., et. al. In addition, a letter to be sent to the Arizona State Real Estate Commissioner and the Attorney General along with all the documentation and photographs submitted by the speakers and property owners.

## 7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation on the following matters:

### Mossie v. Pima County

Parcel Nos. 222-05-0230, 222-12-0550, 222-18-0430, 222-18-0420, 222-18-0410 and 222-18-0400

Arizona Tax Court Case No. ST2008-000875

Chris Straub, Chief Civil Deputy County Attorney, stated Mossie v. Pima County involved the valuation appeal for multiple properties. The proposed settlement would result in tax decreases for these properties except for one based on information provided in executive session. The Assessor and the County Attorney's Office recommended approval of the proposed settlements, for tax year 2009, as follows:

Parcel No. 222-05-0230: decrease the full cash value from \$88,931.00 to \$68,931.00.

Parcel No. 222-12-0550: decrease the full cash value from \$99,183.00 to \$80,000.00.

Parcel No. 222-18-0430: no change in the full cash value.

Parcel No. 222-18-0420: decrease the full cash value from \$43,714.00 to \$34,750.00.

Parcel No. 222-18-0410: decrease the full cash value from \$71,439.00 to \$65,976.00 and increase the assessment ratio from 16% to 18.5%.

Parcel No. 222-18-0400: decrease the full cash value from \$436,560.00 to \$287,638.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to accept the recommendations.

Gleeson Family Trust v. Pima County

Parcel No. 219-06-0760

Arizona Tax Court Case No. ST2008-000887

Chris Straub, Chief Civil Deputy County Attorney, stated this was a valuation appeal for tax year 2009 for a vacant residential lot in the Rancho Vistoso area. The plaintiffs purchased the lot in April 2007 for \$725,000.00, but sales data indicated a severe price reduction over the last two years with home sites being discounted at 50% of their original price. The plaintiffs produced an appraisal that valued the property at \$400,000.00 as of December 2008. The proposed settlement reflected these factors and would result in a decrease of the full cash value from \$975,000.00 to \$560,000.00 for tax year 2009. The Assessor and the County Attorney's Office recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to accept the recommendations.

**8. CONSENT CALENDAR**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, that the Consent Calendar be approved as presented.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Health Department**

1. Tucson Unified School District, Amendment No. 4, to provide administration of childhood immunization services, no cost (01-01-T-135365-1204)

**B. Natural Resources, Parks and Recreation**

2. Long Realty Company, Amendment No. 1, to provide exclusive right to sell listing agreement for County property located at 7100 W. El Camino del Cerro, no cost (07-05-L-141361-1008)

**C. Procurement**

3. Cancellation of Requisition No. 0900466 for quality and constructability review services for plans, specifications and construction cost estimates for Transportation Capital Improvement Projects. Funding limitations preclude the award of contracts. Staff recommends that all responses be rejected and the solicitation be cancelled. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

**D. Sheriff**

4. RESOLUTION NO. 2008-35, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide support of the High Intensity Drug Trafficking Area Program, H.I.D.T.A. Grant Fund, contract amount \$96,083.00 revenue (01-11-A-141791-1006)

**2. DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen appointments:

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Barber, Kathleen A.	030	DEM
Sampson, Kelly N.	107	REP
Gordy, Michael D.	108	DEM
Reiman, Gary W.	112	REP
Nevarez, Deyanira	168	DEM
DeLaOssa, Judith E.	242	DEM
Spier, Mariana	254	DEM
Wilson, Michael S.	292	DEM
Larsen, Steven F.	302	DEM
Coach, Kent E.	328	DEM
Morrison, Nancy K.	354	DEM

**3. SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

- A. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Rd., Vail, March 21, 2009.

- B. Lacey Thompson De Leon, Girls and Boys Clubs of Tucson, 2905 E. Skyline Drive, Tucson, April 26, 2009.
- C. Gary G. Richelson, Congregation Bet Shalom, 3881 E. River Road, Tucson, March 7, 2009.

4. **RATIFY AND/OR APPROVE**

Minutes: January 13, 2009

**REGULAR AGENDA AND ADDENDUM ITEMS**

9. **TRANSPORTATION: ACCEPTANCE OF PROJECTS/ROADWAYS FOR MAINTENANCE**

- A. P1207-089, Bilby Road and Masterson Avenue. Developer: Carlos and Adriene Canez. (District 2)
- B. P1206-046, Mann Avenue, Station 1+00.00 to Station 8+55.69. Developer: Caylor Construction. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to approve the acceptance of projects/roadways for maintenance.

10. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

- A. Albert S. Hall, Jr., Acacia Restaurants of Tucson, L.L.C., 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for March 15, 22 and 29; April 5, 12, 19 and 26; May 3 and 10, 2009.
- B. Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for March 28; April 25; May 30 and June 27, 2009.
- C. Matthew Angus McKinnon, Shlomo and Vito's New York Delicatessen, 2870 E. Skyline Drive, Tucson, Temporary Extension of Premises for April 25 and June 6, 2009.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Chairman Elías, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearings and approve the extension of premises/patio permits.

11. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

The Board of Supervisors' on 11/18/08, continued the following:

Co7-08-06, TITLE GUARANTY AGENCY OF ARIZONA TR T-1312-W. VALENCIA ROAD PLAN AMENDMENT

Request of Title Guaranty Agency of Arizona TR T-1312, represented by Gordon T. Alley, III, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Community Activity Center (CAC) for approximately 25.76 acres adjoining W. Valencia and S. Wade Roads, in Section 16, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Gungle, Membrila, Smith and Matter were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 3)

Without objection, this item was withdrawn by the applicant.

12. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

The Board of Supervisors' on 11/18/08, continued the following:

Co7-08-07, STATE OF ARIZONA-W. VALENCIA ROAD PLAN AMENDMENT

Request of the State of Arizona, represented by Projects International, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood Activity Center (NAC) for approximately 20 acres located at the southeast corner of the intersection of W. Valencia Road and S. Wade Road, in Section 15, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Spendiarian voting NAY, Commissioners Gungle, Membrila, Smith, and Matter were absent) to recommend DENIAL. Staff recommends DENIAL. (District 3)

**"Proposed Rezoning Policies**

Planning & Design

1. Planning and design of the subject property shall occur in such a manner so as to avoid any appearance of traditional "strip" commercial development. A single, monolithic strip of buildings that is solely oriented toward Valencia Road or Wade Road is prohibited. A village design shall be promoted by non-traditional building placements, including perimeter buildings with four-sided architecture, and segmented internalized parking. However, building placements along Valencia Road and Wade Road shall compromise no more than 40% of each street frontage.
2. Parking lots shall be landscaped so as to reduce heat-island effect by employing groups of shade trees that create effective shade clusters and improve the survivability and thriving of the specimens. The total number of trees placed within the parking lot shall be at least 25% more than that minimally required by the Zoning Code or provide an alternative site design including such things as extended creative shade structures around buildings, other pedestrian areas and asphalt, which accomplishes a functionally equivalent reduction in heat island effect.
3. Mixed-use development is encouraged where the size of the parcel warrants it or where the property directly abuts existing residential development. Complementary lower-intensity uses such as offices, daycare centers, and the like shall be encouraged adjacent to residential areas rather than retail.

**ALTERNATIVE 1:** Building heights shall be limited to a maximum of 20 feet within 100 feet of property boundaries which abut existing or platted lots for single-family residential development, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

**ALTERNATIVE 2:** Building heights shall be limited to a maximum of 20 feet within 100 feet of the boundary of existing or platted lots for single family residences, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

4. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site. All tenants shall modify and upgrade their standard prototypes so as to be consistent in character and quality with the overall architectural design concept of the project.

#### Process Requirements

1. In addition to standard rezoning application requirements (i.e. Site Analysis, Rezoning Impact Statement, etc.), the rezoning application for the property shall also include a detailed architectural and aesthetic concept to include: a) architectural elevations for the anchor store, shop space, and free-standing pad concepts; b) character sketches and perspectives of the project; c) descriptions of proposed building materials; d) written architectural guidelines and theming requirements as appropriate; e) landscape concepts and supporting sketches for buffers, parking fields, and landscape amenity/accent elements; and f) photometric studies and a conceptual lighting design as necessary to demonstrate that the project will comply with the Outdoor Lighting Code (OLC) and will suitably recognize and respect Kitt Peak National Observatory.
2. In developing the architectural and aesthetic concept described in Item 1 above, the rezoning applicant shall meet with designated neighborhood representatives to review the project site plan, architectural design, and landscape elements so as to obtain feedback and input from the neighborhood representatives. While no formal approval rights are conferred to the neighborhood representatives in this regard, the applicant shall work in good faith to solicit and incorporate the neighborhood input and to develop a final design that balances owner/developer needs against neighborhood preferences. The rezoning applicant shall conduct and complete these required interactions with the neighborhood representatives prior to submitting the full rezoning application package. Within 30 days after a positive action on a rezoning request by the Board of Supervisors, the applicant shall memorialize and record any written agreement with the neighborhood(s) discussed or presented at the public hearing(s).
3. The applicant shall meet with staff at least once prior to submitting the full rezoning application package to ensure compliance with the rezoning policies.
4. The rezoning application will include a narrative describing the applicant's neighborhood interactions and the neighborhood issues of particular concern. In addition to architectural design, landscaping, lighting, etc., the narrative shall also address the following project particulars and operational matters: 1) project maximum building square footage; 2) maximum single-tenant size; 3) maximum building height; 4) hours of operation; 5) trash pick-up limitations; and 6) service-delivery limitations.
5. The final architectural and aesthetic concept and neighborhood documentation shall be considered a material part of the rezoning application and shall be binding upon the owner/developer as a condition of rezoning approval. The project's subsequent formal Development Plan and Building Permit submittals to Pima County shall be reviewed by Development Services Department staff to ensure compliance and consistency with the architectural and aesthetic concepts as included in the rezoning application.
6. Prior to submitting the full rezoning application to Pima County, the applicant shall also: 1) meet with the Pima County Chief Building Official to discuss the project's proposed concept lighting design and photometric analysis and to demonstrate conceptual compliance with the Outdoor Lighting Code (OLC); and 2) meet with representatives of Kitt Peak National Observatory to discuss the same proposed lighting design and to describe the activities which have occurred with the Chief Building and the manner in which compliance with the OLC will occur. The applicant's rezoning application package will include a narrative describing the meetings, issues, findings, and results from these interactions with Kitt Peak and the Chief Building Official.
7. Board of Supervisors approval of each plan amendment does not preclude the Board from reviewing the land use for each site in the next update of the Comprehensive Plan due to be completed in 2011. Further, if the uses as proposed have not fully developed by the kick-off of the following Comprehensive Plan update due to be completed in 2021, the planned land use for the undeveloped or partially developed site shall be reconsidered by the Board for re-planning.

#### Flood Control, Wastewater, and Water Service

1. A Master Drainage Report shall be submitted during the rezoning process for Flood Control District to identify local floodplains, 100-year water surface elevations, erosion hazard setbacks and to analyze detention/retention requirements, as well as the need for, phasing and financing of on and off-site improvements, and the maintenance and restoration of components of the wash system including riparian mitigation. The Master Drainage Report shall address the need for both FEMA and Army Corps approvals.

2. No building permits shall be issued until flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
3. The preservation of existing vegetation areas along the Valencia Road and Wade Road frontages shall be a priority goal. Naturalistic designs along these road frontages shall be employed, to the greatest extent possible, for any required engineered drainage facilities, subject to approval by the Pima County Regional Flood Control District, so as to appropriately enhance the aesthetic appearance of the project perimeter.
4. No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. By accepting this plan amendment, the owner/developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.
5. A letter of intent to serve from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent to serve is from a water service provider that does not have access to a renewable and potable water supply, the applicant will provide documentation as to why a water service provider with access to a renewable and potable water source is not able to provide service.”

Arlan Colton, Planning Official provided a report that outlined the Master Rezoning Policies that were developed with input from neighbors and Kitt Peak. The proposed rezoning policies would address process requirements that would be considered at the time of rezoning. In the event the Board chose to approve the request, he recommended Alternative 1 of the Planning and Design policies regarding building heights as requested by the neighbors.

The following speakers addressed the Board:

1. Barbara Sosna
2. Diane Elliott
3. Elizabeth Alvarez, Kitt Peak representative; and,
4. Michael Toney.

They provided the following comments:

- A. Support was expressed for approval of the Comprehensive Plan Amendment because the proposed Master Rezoning Policies would provide the opportunity for the neighbors and Kitt Peak representatives to interact and communicate with the developer to resolve issues and concerns that may arise as they work toward the rezoning process;
- B. Gratitude was expressed to staff for working with Kitt Peak to inform the applicant about the Outdoor Lighting Code requirements; and,

On consideration, it was moved by Supervisor Bronson, seconded by Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing.

Supervisor Bronson asked whether the word avoid could be changed in Condition No. 1 to minimize?

Mr. Colton responded yes.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to approve Co7-08-07 subject to the proposed Master Rezoning Policies contained in the document dated March 9, 2009, with the following changes:

1. Planning and design of the subject property shall occur in such a manner so as to ~~avoid~~ **minimize** any appearance of traditional "strip" commercial development. A single, monolithic strip of buildings that is solely oriented toward Valencia Road or Wade Road is prohibited. A village design shall be promoted by non-traditional building placements, including perimeter buildings with four-sided architecture, and segmented internalized parking. However, building placements along Valencia Road and Wade Road shall comprise no more than 40% of each street frontage.

and select Alternative 1, Planning & Design as follows:

3. Mixed-use development is encouraged where the size of the parcel warrants it or where the property directly abuts existing residential development. Complementary lower-intensity uses such as offices, daycare centers, and the like shall be encouraged adjacent to residential areas rather than retail.  
ALTERNATIVE 1: Building heights shall be limited to a maximum of 20 feet within 100 feet of property boundaries which abut existing or platted lots for single-family residential development, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

### 13. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

The Board of Supervisors' on 11/18/08, continued the following:

#### Co7-08-10, TITLE SECURITY AGENCY OF ARIZONA TR 913-W. VALENCIA ROAD PLAN AMENDMENT

Request of Title Security Agency of Arizona, Trust 913, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Community Activity Center (CAC) for approximately 17 acres located at the northwest corner of the intersection of W. Valencia Road and S. Wade Road, in Section 9, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Spendiarian voting NAY, Commissioners Gungle, Membrila, Smith, and Matter were absent) to recommend DENIAL. Staff recommends DENIAL. (District 3)

#### **"Proposed Rezoning Policies**

##### Planning & Design

1. Planning and design of the subject property shall occur in such a manner so as to avoid any appearance of traditional "strip" commercial development. A single, monolithic strip of buildings that is solely oriented toward Valencia Road or Wade Road is prohibited. A village design shall be promoted by non-traditional building placements, including perimeter buildings with four-sided architecture, and segmented internalized parking. However, building placements along Valencia Road and Wade Road shall compromise no more than 40% of each street frontage.
2. Parking lots shall be landscaped so as to reduce heat-island effect by employing groups of shade trees that create effective shade clusters and improve the survivability and thriving of the specimens. The total number of trees placed within the parking lot shall be at least 25% more than that minimally required by the Zoning Code or provide an alternative site design including such things as extended creative shade structures around buildings, other pedestrian areas and asphalt, which accomplishes a functionally equivalent reduction in heat island effect.
3. Mixed-use development is encouraged where the size of the parcel warrants it or where the property directly abuts existing residential development. Complementary lower-intensity uses such as offices, daycare centers, and the like shall be encouraged adjacent to residential areas rather than retail.  
ALTERNATIVE 1: Building heights shall be limited to a maximum of 20 feet within 100 feet of property boundaries which abut existing or platted lots for single-family residential development, except that the

height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

**ALTERNATIVE 2:** Building heights shall be limited to a maximum of 20 feet within 100 feet of the boundary of existing or platted lots for single family residences, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

4. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site. All tenants shall modify and upgrade their standard prototypes so as to be consistent in character and quality with the overall architectural design concept of the project.

#### Process Requirements

1. In addition to standard rezoning application requirements (i.e. Site Analysis, Rezoning Impact Statement, etc.), the rezoning application for the property shall also include a detailed architectural and aesthetic concept to include: a) architectural elevations for the anchor store, shop space, and free-standing pad concepts; b) character sketches and perspectives of the project; c) descriptions of proposed building materials; d) written architectural guidelines and theming requirements as appropriate; e) landscape concepts and supporting sketches for buffers, parking fields, and landscape amenity/accent elements; and f) photometric studies and a conceptual lighting design as necessary to demonstrate that the project will comply with the Outdoor Lighting Code (OLC) and will suitably recognize and respect Kitt Peak National Observatory.
2. In developing the architectural and aesthetic concept described in Item 1 above, the rezoning applicant shall meet with designated neighborhood representatives to review the project site plan, architectural design, and landscape elements so as to obtain feedback and input from the neighborhood representatives. While no formal approval rights are conferred to the neighborhood representatives in this regard, the applicant shall work in good faith to solicit and incorporate the neighborhood input and to develop a final design that balances owner/developer needs against neighborhood preferences. The rezoning applicant shall conduct and complete these required interactions with the neighborhood representatives prior to submitting the full rezoning application package. Within 30 days after a positive action on a rezoning request by the Board of Supervisors, the applicant shall memorialize and record any written agreement with the neighborhood(s) discussed or presented at the public hearing(s).
3. The applicant shall meet with staff at least once prior to submitting the full rezoning application package to ensure compliance with the rezoning policies.
4. The rezoning application will include a narrative describing the applicant's neighborhood interactions and the neighborhood issues of particular concern. In addition to architectural design, landscaping, lighting, etc., the narrative shall also address the following project particulars and operational matters: 1) project maximum building square footage; 2) maximum single-tenant size; 3) maximum building height; 4) hours of operation; 5) trash pick-up limitations; and 6) service-delivery limitations.
5. The final architectural and aesthetic concept and neighborhood documentation shall be considered a material part of the rezoning application and shall be binding upon the owner/developer as a condition of rezoning approval. The project's subsequent formal Development Plan and Building Permit submittals to Pima County shall be reviewed by Development Services Department staff to ensure compliance and consistency with the architectural and aesthetic concepts as included in the rezoning application.
6. Prior to submitting the full rezoning application to Pima County, the applicant shall also: 1) meet with the Pima County Chief Building Official to discuss the project's proposed concept lighting design and photometric analysis and to demonstrate conceptual compliance with the Outdoor Lighting Code (OLC); and 2) meet with representatives of Kitt Peak National Observatory to discuss the same proposed lighting design and to describe the activities which have occurred with the Chief Building and the manner in which compliance with the OLC will occur. The applicant's rezoning application package will include a narrative describing the meetings, issues, findings, and results from these interactions with Kitt Peak and the Chief Building Official.
7. Board of Supervisors approval of each plan amendment does not preclude the Board from reviewing the land use for each site in the next update of the Comprehensive Plan due to be completed in 2011. Further, if the uses as proposed have not fully developed by the kick-off of the following Comprehensive Plan update due to be completed in 2021, the planned land use for the undeveloped or partially developed site shall be reconsidered by the Board for re-planning.

#### Flood Control, Wastewater, and Water Service

1. A Master Drainage Report shall be submitted during the rezoning process for Flood Control District to identify local floodplains, 100-year water surface elevations, erosion hazard setbacks and to analyze detention/retention requirements, as well as the need for, phasing and financing of on and off-site improvements, and the maintenance and restoration of components of the wash system including riparian mitigation. The Master Drainage Report shall address the need for both FEMA and Army Corps approvals.

2. No building permits shall be issued until flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
3. The preservation of existing vegetation areas along the Valencia Road and Wade Road frontages shall be a priority goal. Naturalistic designs along these road frontages shall be employed, to the greatest extent possible, for any required engineered drainage facilities, subject to approval by the Pima County Regional Flood Control District, so as to appropriately enhance the aesthetic appearance of the project perimeter.
4. No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. By accepting this plan amendment, the owner/developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.
5. A letter of intent to serve from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent to serve is from a water service provider that does not have access to a renewable and potable water supply, the applicant will provide documentation as to why a water service provider with access to a renewable and potable water source is not able to provide service."

Arlan Colton, Planning Official, provided a report that outlined the Master Rezoning Policies that were developed with input from neighbors and Kitt Peak. He stated for the record that Co7-08-10 requested Community Activity Center (CAC), but staff recommended Neighborhood Activity Center. The proposed rezoning policies would address process requirements that would be considered at the time of rezoning. In the event the Board chose to approve the request, he recommended Alternative 1 of the Planning and Design policies regarding building heights as requested by the neighbors.

On consideration, it was moved by Supervisor Bronson, seconded by Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to approve Co7-08-07 and Co7-08-10 for Neighborhood Activity Center subject to the proposed Master Rezoning Policies contained in the document dated March 9, 2009, with the following changes:

1. Planning and design of the subject property shall occur in such a manner so as to ~~avoid~~ **minimize** any appearance of traditional "strip" commercial development. A single, monolithic strip of buildings that is solely oriented toward Valencia Road or Wade Road is prohibited. A village design shall be promoted by non-traditional building placements, including perimeter buildings with four-sided architecture, and segmented internalized parking. However, building placements along Valencia Road and Wade Road shall comprise no more than 40% of each street frontage.

and select Alternative 1, Planning & Design as follows:

3. Mixed-use development is encouraged where the size of the parcel warrants it or where the property directly abuts existing residential development. Complementary lower-intensity uses such as offices, daycare centers, and the like shall be encouraged adjacent to residential areas rather than retail.  
ALTERNATIVE 1: Building heights shall be limited to a maximum of 20 feet within 100 feet of property boundaries which abut existing or platted lots for single-family residential development, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.

14. **DEVELOPMENT SERVICES: REZONING**

Co9-07-31, WEISBROD TRUST-IRVINGTON ROAD REZONING

Request of Maynard and Martha Weisbrod Trust, for a rezoning of approximately 2.25 acres from SR (Suburban Ranch) to approximately 2.25 acres of SR-2 (Suburban Ranch Estate) and approximately 2.25 acres of SR (Suburban Ranch) (BZ) (Buffer Overlay Zone) to approximately 2.25 acres of SR-2 (Suburban Ranch Estate) (BZ) (Buffer Overlay Zone), on property located on the northeast corner of Irvington Road and Soledad Avenue easement, approximately 1 1/4 miles east of Kinney Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AND DELETION OF CONDITIONS NO. 7B AND NO. 7C. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
  - B. ~~Extension of the existing pavement section (or similar type) on Soledad Avenue shall be required to any proposed access on Soledad Avenue or Oklahoma Street. Access onto Soledad Avenue shall be a minimum of 150 feet north of Irvington Road edge of pavement.~~
  - C. ~~No access shall be allowed directly onto Irvington Road (the existing access shall be eliminated and access shall be via Soledad or Oklahoma).~~
8. Wastewater Management conditions:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
9. Department of Environmental Quality conditions:
  - A. All proposed residential lots shall 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 shall be suitable to absorb effluent; and all other design requirements shall be satisfied.
  - B. The owner(s)/developer(s) shall demonstrate that the lot(s), as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.
  - C. The owner(s)/developer(s) shall demonstrate that the existing on-site wastewater disposal system, and 100 percent reserve disposal area, can either be contained within the proposed property boundaries, while meeting all required setbacks, or can be replaced in accordance with the aforementioned comment. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- D. The existing road and/or proposed easement to the properties shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- 10. Environmental Planning condition:  
The applicant(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of 66% percent of the rezoning site as natural undisturbed open space, as displayed on the site sketch plan submitted February 1, 2008.
- 11. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
- 12. The property owner(s) 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)."
- 13. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
- 14. The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing.
- 15. The subject site is limited to two lots with one residence per lot."

Tom Hudson, Zoning Administrator, provided a report and recommended that if Condition No. 7C was eliminated that Condition No. 9D also be eliminated.

- 9. Department of Environmental Quality conditions:  
  - ~~D. The existing road and/or proposed easement to the properties shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.~~

Staff received no comments from the public and no one appeared at the Planning and Zoning Commission public hearing. The Planning and Zoning Commission and Planning staff recommended approval with conditions as amended.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co9-07-31 with conditions as recommended by staff that would include the elimination of Condition 9D.

**15. DEVELOPMENT SERVICES: REZONING**

Co9-08-18, HUIZAR-LOS REALES ROAD REZONING

Request of Jose Huizar represented by Norris Design, for a rezoning of approximately 4.50 acres from CR-3 (Single Residence) to CI-2 (General Industrial), on property located on the north side of East Los Reales Road, approximately 660 feet east of South Swan Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 2)

**“IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:**

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
6. There shall be no further lot splitting for residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s) shall dedicate 45 feet right-of-way for Los Reales Road along the south property boundary.
  - B. The property owner(s) may be required to provide offsite improvements to Los Reales Road as determined necessary by Department of Transportation.
8. Wastewater Management condition:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
9. Environmental Quality condition:

Prior to the issuance of the Certificate of Compliance, the owner(s)/developer(s) shall demonstrate that the existing on-site disposal system is in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.
10. Cultural Resources condition:

In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with ASM to assess the potential significance of any unearthened materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
11. Environmental Planning condition:

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
12. 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.
13. The property owner shall execute and record the following disclaimer regarding Prop 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(l).”
14. Property owner/developer shall adhere to the preliminary development plan as approved by the Board of Supervisors.”

Tom Hudson, Zoning Administrator, provided a report and said the property currently has an open violation case, but approval to CI-2 zoning would resolve that violation. Staff received no public comment and no one appeared at the Planning and Zoning Commission’s public hearing. The Planning and Zoning Commission and Planning staff recommended approval with standard and special conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co9-08-18 with standard and special conditions.

16. **DEVELOPMENT SERVICES: REZONING**

Co9-08-19, SIERRA BRAVO PROPERTIES, L.L.C.–LA CHOLLA BOULEVARD REZONING

Request of Sierra Bravo Properties, L.L.C., represented by Stantec Consulting, Inc., for a rezoning of two parcels totaling approximately 0.85 acres from TR (Transitional) to CB-1 (Local Business) located within Casas Commerce Center. One 0.24-acre parcel, internal to the Center, is approximately 255 feet south of Ina Road and 270 feet west of La Cholla Boulevard and the other 0.61-acre parcel is approximately 430 feet south of Ina Road and west of and immediately adjacent to La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1

“IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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, Document Services.
6. There shall be no lot splitting or subdividing for residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The rezoning shall be limited to a maximum of three access points on Ina Road and two access points on La Cholla Boulevard. The locations of the access points shall be subject to the approval of the Department of Transportation.
  - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
  - C. Prior to the approval of a development plan or subdivision plat for the subject property or any portion thereof, excluding the charter school at its current level of enrollment, a Traffic Impact Assessment (TIA) shall be submitted to the Department of Transportation. The TIA shall include a proposal for appropriate signing of the north-bound left-turn lane.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both onsite and offsite of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- C. A drainage report shall be submitted during the development plan process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Impacts to neighboring properties shall be addressed.
  - D. The property owner(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - E. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - F. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.
9. Wastewater Management conditions:
- A. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
  - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have 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 Pima County Wastewater Management Department.
  - C. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - D. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, as determined necessary at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - E. The owner(s)/developer(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 rezoning area.
10. Environmental Quality condition:  
The property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Environmental Planning condition:  
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
12. Cultural Resources conditions:  
In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS §41-865 and ARS §41-844, require that the Arizona State Museum be notified of the discovery so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
13. Adherence to the preliminary development plan as approved at public hearing.
14. Drive-through restaurants shall not be allowed in the CB-1 zoned area.
15. The property owner(s) shall enter into a voluntary contract with specified adjacent property owners (the "Neighbors"), as presented at the public hearing, describing the use, design and construction limitations to be imposed on the development of the property (the "Property") through these conditions and the contract. This agreement shall be revised and approved by all parties and received by the

- Pima County Planning Division prior to the approval or revision of any development plans for this site. Pima County will not be responsible for enforcing this agreement.
16. The preliminary development plan ("PDP") shall set forth the number and location of buildings, in accordance with Condition #40 below, to which the final development plan shall conform.
  17. Temporary above-ground power poles may be permitted during construction only and only if underground access is not possible during the construction phase. Otherwise, all utilities shall be underground.
  18. No communication towers or unsightly cluster antennas shall be allowed on the Property. Small antennas for buildings shall be restricted to no more than six feet (6') above building height.
  19. No billboards shall be permitted on the Property.
  20. A continuous five-foot (5') to eight-foot (8') masonry wall shall be constructed on or near the south and west Property lines (the "Perimeter Wall"), as permitted under the Pima County Zoning Code. The Perimeter Wall shall be constructed concurrent with the construction of the first building. The Church shall not be responsible to the Neighbors for the maintenance, upkeep or development of any of the Property outside of the Perimeter Wall including the face of the Perimeter wall adjacent to the Neighbors' property.
  21. External lighting is restricted to that which is necessary for safety and security and shall under no circumstances be directed towards or spill over to residential neighborhoods. All parking lot lighting shall be shielded and directed downward to reduce dispersal of ambient light into the night sky. Low-pressure sodium or incandescent lighting is recommended. High-pressure sodium, mercury vapor, halogen, or flood lighting is prohibited.
  22. Stretches of wall shall be softened with either plant recesses or landscaping along the Ina Road frontage and La Cholla Road frontage.
  23. The top of all roof structures and the top of all parapet walls shall not exceed 24 feet above the finish floor elevation. Existing structures on the Property that are to be preserved as a part of the PDP are exempt from this height limitation. In the event that existing structures are redeveloped and replaced with new structures, the height of the new structures shall comply with this limitation. These height restrictions do not apply to building "B".
  24. In the event that existing Building "B", as depicted on the PDP, is redeveloped and replaced, the new structure shall be compatible with the existing upper two stories and height of building "A", as depicted on the PDP.
  25. Trash collection shall be on a coordinated schedule to avoid multiple pick-ups in order to minimize disruptions to neighborhood. Trash collection shall occur only between 8:00 a.m. to 8:00 p.m.
  26. Deliveries shall not be permitted adjacent to residential neighborhoods on the west and south sides of the Property between 9:00 p.m. and 7:00 a.m.
  27. Delivery trucks shall not be parked in close proximity to or within designated delivery or loading areas with motors, refrigeration or generators running within 300 feet of residential property lines during non-delivery hours.
  28. Mechanical equipment shall not be visible from residential neighborhoods.
  29. Odor suppressors or "best available technology" shall be used for those uses that produce odor, such as restaurants.
  30. Trash dumpsters shall be fully screened with masonry walls and oriented either to open away from residential neighborhoods on the south and west of the Property or, if opening toward such neighborhoods, to be fully screened by buildings or other structures on the south or west of the opening of the trash dumpster. Trash dumpsters must be located at least 125 feet from the west and south Property lines.
  31. Landscaping within the west and south "Buffer Yard", as designated on the PDP, shall include at least four (4) trees, four (4) shrubs and four (4) accents for every 100 lineal feet. Along the west and south Property lines, 24-inch box drought tolerant non-deciduous trees shall be strategically placed to maximize the screening effect for adjacent residential property. The water retention basin at the southwest corner of the Property shall be vegetated with trees and shrubs. No improvements or structures, other than landscaping, are to be permitted in the Buffer Yard or natural areas located along the south and west sides of the Property. The owner(s) shall not, however, be responsible to the Neighbors for the landscaping, maintenance, upkeep or development of any of the Property located outside of the Perimeter Wall that is adjacent to the Neighbors' property.
  32. An underground, automatic type irrigation system shall be installed. The landscaping within the Buffer Yard shall be irrigated for at least two years to get plants and trees well established. If trees die, they will be replaced during that two-year period.
  33. Light spillage from building identification signage, if any, shall be screened with planting materials from view from adjacent residential areas to the south or west from the Property when viewed from grade. Any monument signage shall be worked into the landscape design. No signs above the roofline of buildings and no floodlighting on signs shall be permitted. Illuminated building identification signs shall not be permitted on the south-facing walls of the buildings. Building identification signs in the front of buildings shall be set back at least 150 feet from the west property line and shall not exceed four feet

- (4') in height. The monument sign for the "Bank/Office" building located in the northwest corner of the CB-1 portion of the Property, as depicted on the PDP, shall not be illuminated between 9:00 p.m. and 7:00 a.m.
34. Architectural styles on the property shall be similar to the preliminary architectural renderings presented and approved by the Board of Supervisors for case Co9-01-45.
  35. Building colors will be earth tones and will be coordinated for all buildings on the Property to increase the visual appeal of the development.
  36. Skylights, if used, must be designed as an integral part of the roof. Skylight glazing must be clear, white or solar bronze. Skylight flashing and framing must be non-reflective and colored to match the roof.
  37. All flashing and vents must be colored to match the material to which they are attached and may not be reflective.
  38. The provisions of Section 18.43.030 of the Pima County Zoning Code notwithstanding, the only uses permitted on 0.61-acre "Bank/Office" pad located in the southeast portion of the site CB-1 zoned portion of the Property, as depicted on the PDP shall be limited to the following: bank or other financial institution and professional or semi-professional office.
  39. The 0.24-acre portion of the rezoning shall be restricted to adult day care; assisted living center; child care center; home occupation; play ground or athletic field; professional or semi-professional office; real estate office (permanent or temporary); permanent or temporary private school; medical and dental offices; community meeting facility, counseling center, and a coffee shop.
  40. All newly-constructed buildings on the Property shall be set back a minimum of 100 feet from the west and south Property lines, with the following exceptions:  
The building designated for "Bank" use located in the southeast corner of portion of the Property, as depicted on the PDP, may be set back a minimum of 70 feet from the south Property line.
  41. The noted special neighborhood conditions (20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 40 of this ordinance) shall be reviewed by an appointed neighborhood representative to ensure the information on proposed equipment and structures, design methods, plantings, and other background information submitted for compliance meet the intent of the rezoning conditions prior to approval of a subdivision plat or development plan for each zoning district. This condition shall not apply to the areas of the Bank/Office building site proposed on the approved preliminary development plan at the northwest corner of the rezoning site and the masonry wall required along the south and west property lines.
  42. Any change to the foregoing rezoning conditions, i.e. increases in intensity of building sizes or use changes or decreases in standards where a decrease causes more impact on adjoining uses, shall be processed as a change of rezoning condition under the Pima County Zoning Code.
  43. The Certificate of Occupancy for any new construction shall not be issued until and inspection by Pima County Planning Department Subdivision Review staff verifies that all landscaping required by the current or any subsequent development plans has been adequately installed as required by the approved landscape plan for the site.
  44. In the event the subject property is annexed, the property owner(s) 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.
  45. The property owner(s) 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(l)."

Tom Hudson, Zoning Administrator, provided a report. He stated the adjacent neighborhood association reviewed the rezoning and there were no objections. Staff received no public comment and no one spoke at the Planning and Zoning Commission hearing. Staff recommended approval.

Supervisor Day stated the proposed development presented growth in a smarter, more efficient and responsible way through the use of net zero with ground source for heating and cooling. It was her hope that Pima County would come up with more energy efficient utilization as future development occurred.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez to close the public hearing and approve Co9-08-19 subject to standard and special conditions. No vote was taken at this time.

Chuck Huckelberry, County Administrator, asked whether the utilization of energy efficiency in the buildings was contained in the conditions.

Mr. Hudson responded no, but they were part of the proposal submitted by the applicant regarding how the heating and cooling would be carried out.

Gordon Stone, Stantec Consulting, Inc., representing the applicant, stated it was acceptable if the Board chose to make the utilization of energy efficient technology for heating and cooling a part of the conditions.

Arlan Colton, Planning Official, stated if the Board chose to add an additional requirement for geo-source heating and cooling, it would have to be done for both the rezoning and modification because only portions of these properties would be effected with the approvals. He suggested the addition of a condition that stated: geo-source technology would be used for heating and cooling the buildings, and that would be Condition No. 46 for Co9-08-19.

Warren Thompson, Stantec Consulting, Inc., representing the applicant, stated the developer intended to use sustainable means for this project but that it may not all be geothermal. Testing was currently being conducted on the site and the intention was to utilize sustainable features if the testing showed it was a viable option but, due to its technical nature, the developer had to ensure that everything was workable before they committed to the condition.

Mr. Colton stated that based on the comments just proffered, he suggested the following condition be added for rezoning Co9-08-19 to be numbered as Condition No. 46:

The project shall include sustainable technologies including geo-source technology to the maximum extent possible.

Supervisor Day as the maker of the motion, and Supervisor Valadez as the second, accepted the recommendation. Upon the vote being taken, the motion carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing, approve the rezoning for Co9-08-19 subject to standard and special conditions with the addition of Condition No. 46 as recommended.

17. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-01-45, CASAS ADOBES BAPTIST CHURCH-LA CHOLLA BOULEVARD REZONING NO. 3

Request of Sierra Bravo Properties, L.L.C., represented by Stantec Consulting, Inc.,

for a modification (substantial change) of the following rezoning conditions for the southern portion of Casas Commerce Center: No. 6 pertaining to no further lot splitting without the Board of Supervisors approval; No. 11 requiring adherence to the preliminary development plan as approved by the Pima County Board of Supervisors; No. 14 pertaining to the number and location of buildings; No. 21 pertaining to the height of the existing buildings; No. 25 pertaining to the play area of the Daisy Charter School; No. 32 to change the zoning district reference in the condition; No. 36 to include community meeting facility use; No. 37 to add coffee shop as a permitted use; No. 38 for the southeastern most building to change the building use and to change the zoning district reference in the condition; and No. 39 to delete the review requirement by the Design Review Committee. The subject property is approximately 6.9 acres, is zoned TR, and is located on the west side of La Cholla Boulevard, approximately 380 feet south of Ina Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1

“Staff recommends APPROVAL WITH CONDITIONS of the modification request. Rezoning conditions should be modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development-related covenants as determined appropriate by the various County agencies.
4. Provision of development-related assurances as required by the appropriate agencies.
5. 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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing for residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The rezoning shall be limited to a maximum of three access points on Ina Road and two access points on La Cholla Boulevard. The locations of the access points shall be subject to the approval of the Department of Transportation.
  - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
  - C. Prior to the approval of a development plan or subdivision plat for the subject property or any portion thereof, excluding the charter school at its current level of enrollment, a Traffic Impact Assessment (TIA) shall be submitted to the Department of Transportation. The TIA shall include a proposal for appropriate signing of the north-bound left-turn lane.
8. Flood Control conditions:
  - A. Drainage will not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. A drainage report shall be submitted during the development plan process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Impacts to neighboring properties shall be addressed.
  - D. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - E. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- F. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.

9. Environmental Quality condition:

The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.

9-10. Wastewater Management condition:

- A. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
- B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, 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)/developer(s) shall have 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 Pima County Wastewater Management Department.
- C. The owner(s)/developer(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- E. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, as determined necessary at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- F. The owner(s)/developer(s) shall bring the existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into accordance with the most recent Pima County Wastewater Management Department's standards for such easements, and grant new public sewer maintenance easements over existing public sewer lines that cross this property, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- G. The owner(s)/developer(s) shall ensure that sewer service to the adjacent properties is maintained during any relocation of the existing public sewers within the area being rezoned.
- H. The owner(s)/developer(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 rezoning area.

40-11. Cultural Resources condition:

~~Prior to ground modifications activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.~~

In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS §41-865 and ARS §41-844, require that the Arizona State Museum be notified of the discovery so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

44-12. Adherence to the revised preliminary development plan as approved at public hearing.

42-13. Drive-through restaurants shall not be allowed in the CB-1- zoned area.

43-14. The property owner(s) shall enter into a voluntary contract with specified adjacent property owners (the "Neighbors"), as presented at the public hearing, describing the use, design and construction limitations to be imposed on the development of the property (the "Property") through these conditions

and the contract. This agreement shall be revised and approved by all parties and received by the Pima County Planning Division prior to the approval or revision of any development plans for this site. Pima County will not be responsible for enforcing this agreement.

- ~~44-15.~~ The revised preliminary development plan ("PDP") shall set forth the number and location of buildings, in accordance with Condition #38 below, to which the final development plan shall conform.
- ~~45-16.~~ Temporary above-ground power poles may be permitted during construction only and only if underground access is not possible during the construction phase. Otherwise, all utilities shall be underground.
- ~~46-17.~~ No communication towers or unsightly cluster antennas shall be allowed on the Property. Small antennas for buildings shall be restricted to no more than six feet (6') above building height.
- ~~47-18.~~ No billboards shall be permitted on the Property.
- ~~48-19.~~ A continuous five-foot (5') to eight-foot (8') masonry wall shall be constructed on or near the south and west Property lines (the "Perimeter Wall"), as permitted under the Pima County Zoning Code. The Perimeter Wall shall be constructed concurrent with the construction of the first building. The Church shall not be responsible to the Neighbors for the maintenance, upkeep or development of any of the Property outside of the Perimeter Wall including the face of the Perimeter wall adjacent to the Neighbors' property.
- ~~49-20.~~ External lighting is restricted to that which is necessary for safety and security and shall under no circumstances be directed towards or spill over to residential neighborhoods. All parking lot lighting shall be shielded and directed downward to reduce dispersal of ambient light into the night sky. Low-pressure sodium or incandescent lighting is recommended. High-pressure sodium, mercury vapor, halogen, or flood lighting is prohibited.
- ~~20-21.~~ Stretches of wall shall be softened with either plant recesses or landscaping along the Ina Road frontage and La Cholla Road frontage.
- ~~24-22.~~ On the TR-zoned portion of the Property, the top of all roof structures and the top of all parapet walls shall not exceed 24 feet above the finish floor elevation. Existing structures on the Property that are to be preserved as a part of the PDP are exempt from this height limitation. In the event that existing structures are redeveloped and replaced with new structures, the height of the new structures shall comply with this limitation. This height restriction does not apply to building "B" as shown on the PDP.
- ~~22-23.~~ Trash collection shall be on a coordinated schedule to avoid multiple pick-ups in order to minimize disruptions to neighborhood. Trash collection shall occur only between 8:00 a.m. to 8:00 p.m.
- ~~23-24.~~ Deliveries shall not be permitted adjacent to residential neighborhoods on the west and south sides of the Property between 9:00 p.m. and 7:00 a.m.
- ~~24-25.~~ Delivery trucks shall not be parked in close proximity to or within designated delivery or loading areas with motors, refrigeration or generators running within 300 feet of residential property lines during non-delivery hours.
- ~~25.~~ ~~The play area for the Daisy Charter School or any successor school may be enclosed with chain link fencing. The retention basin may be enclosed with chain link fencing. Chain link fencing shall not be allowed in any other areas for any other use.~~
- 26. Mechanical equipment shall not be visible from residential neighborhoods.
- 27. Odor suppressors or "best available technology" shall be used for those uses that produce odor, such as restaurants.
- 28. Trash dumpsters shall be fully screened with masonry walls and oriented either to open away from residential neighborhoods on the south and west of the Property or, if opening toward such neighborhoods, to be fully screened by buildings or other structures on the south or west of the opening of the trash dumpster.
- 29. Landscaping within the west and south "Buffer Yard", as designated on the PDP, shall include at least four (4) trees, four (4) shrubs and four (4) accents for every 100 lineal feet. Along the west and south Property lines, 24-inch box drought tolerant non-deciduous trees shall be strategically placed to maximize the screening effect for adjacent residential property. The water retention basin at the southwest corner of the Property shall be vegetated with trees and shrubs. No improvements or structures, other than landscaping, are to be permitted in the Buffer Yard or natural areas located along the south and west sides of the Property. The Church shall not, however, be responsible to the Neighbors for the landscaping, maintenance, upkeep or development of any of the Property located outside of the Perimeter Wall that is adjacent to the Neighbors' property.
- 30. An underground, automatic type irrigation system shall be installed. The landscaping within the Buffer Yard shall be irrigated for at least two years to get plants and trees well established. If trees die, they will be replaced during that two-year period.
- 31. Light spillage from building identification signage, if any, shall be screened with planting materials from view from adjacent residential areas to the south or west from the Property when viewed from grade. Any monument signage shall be worked into the landscape design. No signs above the roofline of buildings and no floodlighting on signs shall be permitted. Illuminated building identification signs shall not be permitted on the south-facing walls of the buildings. Building identification signs in the front of buildings shall be set back at least 150 feet from the west property line and shall not exceed four feet

- (4') in height. The monument sign for the "Bank/Office" building located in the northwest corner of the CB-1 portion of the Property, as depicted on the PDP, shall not be illuminated between 9:00 p.m. and 7:00 a.m.
32. Architectural styles on the TR-zoned portion of the Property shall be similar to the preliminary architectural renderings presented and approved by the Board of Supervisors.
33. Building colors will be earth tones and will be coordinated for all buildings on the Property to increase the visual appeal of the development.
34. Skylights, if used, must be designed as an integral part of the roof. Skylight glazing must be clear, white or solar bronze. Skylight flashing and framing must be non-reflective and colored to match the roof.
35. All flashing and vents must be colored to match the material to which they are attached and may not be reflective.
36. The provisions of Section 18.31.010 of the Pima County Zoning Code notwithstanding, the TR-zoned portion of the Property shall be restricted to the uses detailed on the revised PDP and the following additional uses: adult day care; assisted living center; child care center; home occupation; play ground or athletic field; professional or semi-professional office; real estate office (permanent or temporary); permanent or temporary private school; medical and dental offices; community meeting facility and counseling center.
37. The provisions of Section 18.43.030 of the Pima County Zoning Code notwithstanding, the only uses permitted on "Bank/Office" pad located in the northwest corner of the CB-1-zoned portion of the Property, as depicted on the PDP, shall be the following: bank or other financial institution and professional or semi-professional office. The following uses, which are generally considered low intensity retail uses that service the local area and do not generate large volumes of traffic, shall be permitted on ~~the remainder of the northern~~ northern CB-1-zoned portion of the Property: adult care home; assisted living centers; antique store; apparel store; art needlework; art gallery or store; art or drawing supply store; bakery; bank; barbershop; beauty shop; bicycle shop; book, newspapers, or magazine store; burglar alarm service; café or lunchroom; catering service; child care center; church; college structure; community service agency; confectionery store; custom dressmaking, millinery, hemstitching or pleating; custom weaving or mending; dealer in coins, stamps or similar collector's items; delicatessen; dental laboratory; department store; drugstore (with double drive-through); dry goods or notion store; duplex dwelling (single-story, non-rental); electrical appliance store (no outdoor installation); electronics store (no outdoor installation); fix-it shop, small appliances (no outdoor installation); florist shop; furniture store; gift, curio, or novelty store; hardware store; home occupation; house furnishing store; ice cream store; insurance adjuster's office (without a drive-through facility); interior decorator; jewelry and watch repair; jewelry store; leather goods store; library; locksmith; medical laboratory; messenger office; museum; music, phonograph, stereo or radio store (no outdoor installation); office; office equipment sales; orthopedic appliances; party supply store; pet shop; photograph studio; photographic supply store; picture framing store; plumbing fixtures and supplies (retail, all within enclosed building); postal station (not to include United States Postal Service post office); printing or publishing; real estate office (permanent or temporary); retail sale, rental or display of: clothing or accessories, household appliances, office equipment and business machines, venetian blinds, and window shades; restaurant, including a restaurant liquor license; school; shoe store; shopping center (small); spa; sporting goods, hunting and fishing equipment store; stationery store; tailor shop; theater (except drive-in or outdoor theater); tool or cutlery sharpening; toy or hobby shop; trust company; variety store; veterinary outpatient clinic for small animals; wallpaper sales, paper hanging; window covering sales; and other uses as set forth on the PDP. The following uses are not permitted as principal permitted uses on the CB-1-zoned portion of the Property: adult activities facility; air conditioning, heating, and ventilating fixtures or supplies; auto mechanical repair; auto parking lot; automobile accessories, parts and supplies; automobile lubrication and oil change operation; automobile tires, batteries and accessories installation; bowling alley; bus storage; car wash; day labor pickup; drug rehabilitation that involves the distribution of controlled substances; garage for public storage; gasoline service station; hotel or motel; laundromat; liquor store; mechanical electronic game arcade; plant nursery; pressing establishment; religious rescue mission; soup kitchen; taxicab stand; taxidermist; trailer rental or sale; water, telephone or telegraph distribution or installation or electrical receiving distribution station; wholesale of oil; retail sale, rental or display of oxygen equipment for medical outpatient uses, painting equipment or supplies including varnish; sale or storage of hay; and self storage facility. The use of coffee shop may be allowed in the southern CB-1-zoned portion of Casas Commerce Center.
38. All newly-constructed buildings on the Property shall be set back a minimum of 100 feet from the west and south Property lines, with the following exceptions:
- A. ~~The building designated for "Office/Day Care" uses~~ located in the southeast corner of ~~TR-zoned~~ portion of the Property, as depicted on the PDP, may be set back a minimum of 70 feet from the south Property line.

- B. The drive-through for the "Bank/Office" building located in the northwest corner of the CB-1-zoned portion of the Property, as depicted on the PDP, may be set back a minimum of 70 feet from the west Property line.
39. The noted special neighborhood conditions (~~18~~, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 38 of this ordinance) shall be reviewed by ~~the Design Review Committee~~ and an appointed neighborhood representative to ensure the information on proposed equipment and structures, design methods, plantings, and other background information submitted for compliance meet the intent of the rezoning conditions prior to approval of a subdivision plat or development plan for each zoning district. This condition shall not apply to the areas of the Bank/Office building site proposed on the approved preliminary development plan at the northwest corner of the rezoning site and the masonry wall required along the south and west property lines.
40. Any change to the foregoing rezoning conditions, i.e. increases in intensity of building sizes or use changes or decreases in standards where a decrease causes more impact on adjoining uses, shall be processed as a change of rezoning condition under the Pima County Zoning Code.
41. The Certificate of Occupancy for any new construction shall not be issued until and inspection by Pima County Planning Department Subdivision Review staff verifies that all landscaping required by the current or any subsequent development plans has been adequately installed as required by the approved landscape plan for the site.
42. In the event the subject property is annexed, the property owner(s) 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.
43. The property owner(s) 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)."

Tom Hudson, Zoning Administrator, provided a report. He stated the adjacent neighborhood association reviewed the rezoning modifications and had no objections. Staff received no public comment and no one spoke at the Planning and Zoning Commission hearing. Staff recommended approval.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez, and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co9-01-45, subject to standard and special conditions and to include the recommended verbiage to be numbered as Condition No. 44:

The project shall include sustainable technologies including geo-source technology to the maximum extent possible.

18. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-03-32, LEE, ET. AL.–ORANGE GROVE ROAD REZONING

Request of Lee Family Revocable Trust, represented by Carolyn Laurie of Tierra Planning Services, for a 5-year time extension for a rezoning of approximately 9.55 acres from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR ® (Suburban Ranch) (Restricted) for approximately 4.44 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The subject site was rezoned in 2003 and expires April 13, 2009. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH MODIFIED CONDITIONS. Staff recommends APPROVAL WITH MODIFIED CONDITIONS. (District 1)

"IF THE DECISION IS MADE TO APPROVE THE 5-YEAR TIME EXTENSION TO A DATE CERTAIN OF APRIL 14, 2014, AND/OR IF THE DECISION IS MADE TO APPROVE THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS THEN THE FOLLOWING ADDITIONAL, MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
6. There shall be no further lot splitting or subdividing of residential properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. ~~The property owner(s) shall provide pavement widening on Orange Grove Road to provide for a continuous center left turn lane from where the existing left turn/center lane ends to the west of the rezoning site (east of the Mona Lisa Road intersection) and tie the center left turn lane widening into the west edge of the La Cholla Boulevard improvements west of the La Cholla Boulevard and Orange Grove Road intersection, as approved by the Department of Transportation.~~ The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
  - B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.
  - C. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
  - D. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
  - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
9. Wastewater Management condition:

The property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
10. Natural Resources, Parks and Recreation condition:

The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004.
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:
  - A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)

Common crabgrass (*Digitaria sanguinalis*)  
 Pampas grass (*Cortaderia selloana*)  
 Red brome (*Bromus rubens*)  
 Mediterranean grass (*Schismus spp.*)  
 Tree of heaven (*Ailanthus altissima*)  
 African sumac (*Rhus lancea*)  
 Russian olive (*Eleagnus angustifolia*)  
 Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)  
 Bermuda grass(*Cynodon dactylon*) excluding sod hybrid Bermuda  
 Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)

B. Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
46. Building heights shall be limited to a maximum of ~~24~~ 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%."

Tom Hudson, Zoning Administrator, provided a report and stated the rezoning would expire on April 13, 2009, and the applicant requested a time extension to April 13, 2014. Staff recommended approval of the time extension with modified conditions.

Chairman Elías asked Mr. Hudson to explain why the building height was increased.

Mr. Hudson responded at the time of the original rezoning there were unresolved transportation issues so the rezoning was approved for a 24 foot building height requirement for visual reasons. The transportation system improvements have been made thereby resolving the visual issues. The applicant agreed there would be no high density residential on the TR portion of the property which was reflected in the Memorandum of Agreement with the neighborhood association.

The Chairman inquired whether anyone wished to be heard.

Mike Steele, Tierra Planning Services representing the applicant, was present to answer questions. The Board had no questions.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co9-03-32 for a five-year time extension with modified conditions and include the Memorandum of Agreement dated June 18, 2008, from the Casas Adobes West II Neighborhood Coalition that contained assurances between the neighborhood and the applicant.

19. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-03-32, LEE, ET. AL.–ORANGE GROVE ROAD REZONING

Request of Lee Family Revocable Trust, represented by Carolyn Laurie of Tierra Planning Services, for a modification (substantial change) of rezoning conditions for a rezoning of approximately 9.55 acres from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR ® (Suburban Ranch) (Restricted) for approximately 4.44 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The subject site was rezoned in 2003. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH MODIFIED CONDITIONS. Staff recommends APPROVAL WITH MODIFIED CONDITIONS. (District 1)

“IF THE DECISION IS MADE TO APPROVE THE 5-YEAR TIME EXTENSION TO A DATE CERTAIN OF APRIL 14, 2014, AND/OR IF THE DECISION IS MADE TO APPROVE THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS THEN THE FOLLOWING ADDITIONAL, MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
6. There shall be no further lot splitting or subdividing of residential properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. ~~The property owner(s) shall provide pavement widening on Orange Grove Road to provide for a continuous center left turn lane from where the existing left turn/center lane ends to the west of the rezoning site (east of the Mona Lisa Road intersection) and tie the center left turn lane widening into the west edge of the La Cholla Boulevard improvements west of the La Cholla Boulevard and Orange Grove Road intersection, as approved by the Department of Transportation.~~ The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
  - B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.
  - C. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
  - D. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
  - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
9. Wastewater Management condition:

The property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
10. Natural Resources, Parks and Recreation condition:

The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.

11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004.
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:
  - A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)
    - Common crabgrass (*Digitaria sanguinalis*)
    - Pampas grass (*Cortaderia selloana*)
    - Red brome (*Bromus rubens*)
    - Mediterranean grass (*Schismus spp.*)
    - Tree of heaven (*Ailanthus altissima*)
    - African sumac (*Rhus lancea*)
    - Russian olive (*Eleagnus angustifolia*)
    - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
    - Bermuda grass(*Cynodon dactylon*) excluding sod hybrid Bermuda
    - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
  - B. Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
46. Building heights shall be limited to a maximum of 24 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.”

Tom Hudson, Zoning Administrator, provided a report. The applicant requested a modification of rezoning Condition No. 16 to allow a building height of 34 feet. The Planning and Zoning Commission and staff recommended approval with modified conditions.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez to close the public hearing, approve the request and modify Condition No. 16 to allow a maximum building height of 34 feet and include the Letter of Agreement dated June 18, 2008, from Casas Adobes II Neighborhood Coalition that contained assurances between the neighborhood and the applicant.

20. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-08-11, JIAHORNG LIN AND CHIHUA WU REVOCABLE TRUST, ET. AL.-W. RIVER ROAD PLAN AMENDMENT

Request of Jiahornng Lin and Chihua Wu Revocable Trust, Jiahornng Lin and Chihua Wu Revocable Trust 33% and Suzanne Joe Kai 67%, Piotrowski Family Trust, and Suzanne Joe Kai 50% and Jiahornng Lin and Chihua Wu Revocable Trust 50%, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Medium/High Intensity Urban (MHIU) to Community Activity Center (CAC) for approximately 5.5 acres located on the north side of W. River Road, approximately 350 feet east of Oracle Road, in Section 13, T13S, R13E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend MODIFIED APPROVAL FOR NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL FOR NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO REZONING POLICIES. (District 1)

"Commissioner Spendiarian moved to recommend **modified approval for Neighborhood Activity Center (NAC) subject to Rezoning Policies** as recommended by staff, as follow:

1. The plan amendment shall be implemented under a single Development Plan promoting mixed-use development appropriate to its location on a major transportation corridor.
2. The developers of the property shall consult with the Pima County Green Building Program to identify and incorporate energy conservation practices which exceed current Code requirements into the site design, balanced with specific user needs and constraints, and economics. Example measures may include, but are not limited to:
  - a. Solar orientation of buildings
  - b. Landscape design to enhance shading of buildings and reduce urban heat island effects
  - c. On-site rainwater harvesting with the goal of augmenting or meeting irrigation needs
  - d. Achieve Leadership in Energy and Environmental Design (LEED) Silver Certification or equivalent performance.
3. The developers of the property shall endeavor to incorporate a vertical mixing of land uses into the design of the property. Any non-residential use at the ground level may have residential uses on floors above. No more than 65% of the gross floor-area of the development may be of a purely retail nature.
4. The development shall include shared parking for mixed land uses in order to reduce the overall amount of parking necessary to serve the development.
5. The development shall not include medical offices due to the high parking requirements of such establishments.
6. If the development includes a hotel, it shall be designed so as to appear to be integrated into the overall site rather than as a stand-alone development.
7. The development shall be designed in a manner that integrates pedestrian connectivity throughout the site and to the existing commercial center to the west.
8. The existing access road serving Maryland Hills subdivision residents immediately to the north may be re-located, provided subdivision residents are actively engaged in its location and design. The developer shall ensure that the access road provides private and safe physical and legal access to the residences.
9. A Master Drainage Report shall be submitted during the rezoning process for Flood Control District to identify local floodplains, 100-year water surface elevations, erosion hazard setbacks and to analyze detention / retention requirements, as well as on- and off-site improvements including those associated with River Road.
10. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
11. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat,

development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have 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 Pima County Regional Wastewater Reclamation Department.

12. A letter of intent to serve from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent to serve is from a water service provider other than Tucson Water, the applicant will provide documentation as to why Tucson Water is not able to provide service."

Arlan Colton, Planning Official, provided a report and said the original request was for a Community Activity Center (CAC) but the Planning and Zoning Commission recommended modified approval to Neighborhood Activity Center (NAC) subject to 12 rezoning policies. Staff recommended approval of NAC with the addition of rezoning policy No. 13 as follows:

- "13. Notwithstanding the neighborhood activity planned land use intensity category, the maximum allowable residential density for the amendment area shall be 24 residences per acre."

In conclusion, Mr. Colton stated there was one speaker at the Planning and Zoning Commission hearing in opposition and staff received one written comment.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co7-08-11 for modified approval for a Neighborhood Activity Center subject to rezoning policies including the addition of Condition No. 13 as recommended by staff.

## 21. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2009-17, of the Pima County Board of Supervisors regulating parking of vehicles on the east and west sides of Craycroft Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 4)
- B. ORDINANCE NO. 2009-18, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Flowing Wells Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 3)
- C. ORDINANCE NO. 2009-19, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Fort Lowell Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- D. ORDINANCE NO. 2009-20, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Hardy Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

- E. ORDINANCE NO. 2009-21, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on La Canada Drive in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearings and adopt Ordinance Nos. 2009-17, 18, 19, 20 and 21.

## 22. **PROCUREMENT**

The Board of Supervisors' on 02/17/09 and 03/03/09, continued the following:

### A. **Award**

Award of Contract to Sundt/Kiewit Joint Venture, for construction manager at-risk (CMAR) services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect Project. The Guaranteed Maximum Price (GMP) is \$25,197,276.00. Funding Source: 2004 Sewer Revenue Bond. Administering Department: Regional Wastewater Reclamation Department.

### B. **Contract**

Sundt/Kiewit Joint Venture "CMAR," Amendment No. 1, to provide for construction manager at-risk services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect and amend contractual language, 2004 Bond Fund, no cost (03-03-S-140790-0408) Regional Wastewater Reclamation Department

The following speakers addressed the Board:

1. Tommy Thomas, Ameron International, Inc.
2. Nancy Freeman

They provided the following comments:

- A. Reasons were provided that outlined why concrete T-Lock pipe should be utilized for the plant interconnect;
- B. Ameron felt the alternative method was flawed and uncompetitive; and,
- C. It was felt that the Tucson/Pima County Water Study should be completed and recommendations for wastewater policies established before the plant interconnect was done.

Chuck Huckelberry, County Administrator, stated a memorandum from Michael Gritzuk, Regional Wastewater Reclamation Department Director, to John Bernal, Deputy County Administrator, discussed the pros and cons associated with concrete T-Lock pipe versus fiberglass. This is a very critical link in the system and the department wanted to ensure the pipe that was placed would have a service life of approximately 100 years. The memorandum indicated there were 300 failures at the joints that used concrete T-Lock which resulted in substantial costs for rehabilitation. Ameron offered a 10 year warranty but problems typically occurred after 20-25 years of service life and the collapse of the Northwest Interceptor at Speedway occurred in a PVC interceptor pipe installed with less than 25 years of service. He concurred with the staff recommendation.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to approve the Award of Contract for construction manager at-risk, and the Contract Amendment No. 1 to Sundt/Kiewit Joint Venture.

23. **BOARD, COMMISSION AND/OR COMMITTEE**

**Regional Wastewater Reclamation Advisory Committee**

Reappointment of Barbee Hanson. Term Expiration: 3/1/12. (District 1)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to approve the reappointment.

24. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Dale Roose requested the Board ask the Transportation Department to raise the priority of neighborhood walkability when budgeting new traffic safety projects.

Daniel Kee stated there was a lack of maintenance in his neighborhood. He said roadways are pitted with holes, trash accumulation and drainageways are blocked that pose serious health concerns.

Nancy Freeman addressed the Board on behalf of Citizens for Flood Management in Pima County regarding the lack of flood control on Pima County roads in Sahuarita.

Aaron Rey, affiliated with the local Tyranny Response Team as supervisor of the research unit, addressed the lack of flood control on Pima County roads in Sahuarita, the release of public records by the Sheriff's Department in a timely manner and the failure of Internal Affairs to investigate.

25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:15 p.m.