



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

TO: Chairman and Members, Pima County Planning and Zoning Commission
FROM: Chris Poirier, Executive Secretary
RE: Pima County Planning and Zoning Commission Hearing of **JULY 13, 2016**
DATE: JULY 29, 2016

This abstract is subject to editing and amending. Please let us know promptly if you believe there are any omissions or corrections; otherwise, we will proceed on this basis.

Chris Poirier, Executive Secretary

The meeting was called to order at 9:00 a.m. at Pima County Administration Building Board of Supervisors Hearing Room, 130 W. Congress St., 1st Floor, Tucson, AZ

1) **ROLL CALL:**

PRESENT

D4 Eddie Peabody, Jr., Chair
D1 Brad Johns, Vice-Chair
D4 William Matter
D1 Jodi Bain
D3 Lynne Mangold
D3 Peter Gavin
D5 Bruce Gungle
D2 Barbara Becker

ABSENT

D5 Bob Cook
D2 Armando Membriola

EIGHT MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official
Mark Holden, Principal Planner
Tom Drzazgowski, Deputy Chief Zoning Insp.
Terri Tillman, Senior Planner
David Petersen, Senior Planner
Sue Morman, Senior Planner
Celia Turner, Coordinator

Lauren Ortega, Public Works Division Mgr.
Jeanette DeRenne, Principal Planner, DOT
Greg Saxe, Environmental Plan. Mgr., RFC
Sherry Ruther, Environmental Planning Mgr.
Jenny Neeley, Program Manager

2) **PLEDGE OF ALLEGIANCE**

3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**

MONTHLY REPORTS TO THE P/Z COMMISSION

Monthly reports from Development Services Department for enterprise fund, total fees collected, services activity report and permits issued and from the planning division for total fees collected and services activity report.

ON MOTION, it was

Voted: To **APPROVE** May 25, 2016 checklist and consent agenda as well.

The motion **PASSED** (8 – 0; Commissioners Membrila and Cook were absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

REZONINGS:

5) **Co9-15-05 JT RP LLC – EAST EAGLE FEATHER ROAD (EASEMENT) REZONING CONTINUED FROM JANUARY 27, 2016 HEARING**

Request by **JT RP LLC**, represented by **Brent Davis**, for a rezoning of approximately 3.81 acres from SR (Suburban Ranch) Zone to CR-1 (Single Residence) Zone on property located approximately 800' east of Bear Canyon Road on the south side of East Eagle Feather Road (Easement). The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 4)

ON MOTION, it was

Voted: To **recommend DENIAL**.

The motion **PASSED** (6 – 2; Commissioners Bain and Becker voted **NAY**; Commissioners Membrila and Cook were absent)

6) **P16RZ00001 HUEBNER 50% ET AL. – N. LA CHOLLA BOULEVARD REZONING**

Request of **Huebner 50% et al.**, represented by **The Planning Center**, for a rezoning of approximately 10.3 acres from SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) (Small Lot Option) (7.3 acres) and TR (Transitional) (3 acres) zone, located on the northwest corner of W. Oracle Jaynes Station Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. (District 1)

ON MOTION, it was

Voted: To **recommend APPROVAL** subject to standard and special conditions:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by

- the various County agencies.
- C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
- A. The site is limited to two access points on Oracle Jaynes Station Road as shown on the preliminary development plan.
 - B. The site is limited to one access point on La Cholla Boulevard as shown on the preliminary development plan.
4. Regional Flood Control District conditions:
- A. The use of modified development standards or a reduction in the number of lots may be necessary to reduce the extent of floodplain encroachment, provide sufficient detention and retention facilities, and mitigate the potential for increasing flood risk.
 - B. Easements, maintenance agreements and covenants running with the land shall be required for shared drainage facilities to be identified on the plat. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Shared detention/retention facilities shall be constructed with the first development permit, either the residential or the commercial permit whichever is constructed first, and shall be maintained solely by the property owner or homeowners association in the event the second development does not occur concurrently.
 - D. When public drainage facilities connect to private drainage facilities, junction structures to separate maintenance responsibility shall be provided.
 - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - F. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
5. Regional Wastewater Reclamation conditions:
- A. Any off-site public sanitary sewer line shall be placed within the public right-of-way or in a public sewer easement as required by the 2016 Engineering Design Standards.
 - B. The owner shall not construe any 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 to that effect.
 - C. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall

- enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- D. The owner 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.
 - E. The owner 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner shall complete the construction of all necessary public and/or private 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.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 property owner. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
 7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 8. Adherence to the preliminary development plan as approved at public hearing.
 9. 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.
 10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights

Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).”

The motion **PASSED** (8 – 0; Commissioners Membrila and Cook were absent)

- 7) **P16RZ00005 WHISPER CANYON HOLDINGS, LLC – W. HARDY ROAD REZONING**
Request of **Whisper Canyon Holdings, LLC**, represented by **Projects International, Inc.**, for a rezoning of approximately 20 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located on the north side of W. Hardy Road, approximately 500 feet east of N. Thornydale Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. (District 1)

ON MOTION, it was

Voted: To **recommend APPROVAL** subject to standard and special conditions with the amendment to the preliminary development plan as presented at public hearing:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
 - B. The property is limited to 2 access points as depicted on the preliminary development plan.
4. Regional Flood Control District conditions:
 - A. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project’s CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval with the Development Plan.
 - B. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
5. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any 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 to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance

capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner 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 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner shall complete the construction of all necessary public and/or private 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.

6. Environmental Planning conditions:

- A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 52 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn

<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan including the one-story height limitation for specific lots as approved at public hearing.
9. 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.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The motion **PASSED** (8 – 0; Commissioners Membrila and Cook were absent)

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

8) Co9-89-21 LAWYERS TITLE AND TRUST, TR #6486-T – INTERSTATE 19 #2 REZONING

Request of **Borderlands Investments I, LLC**, represented by **Wavelength Management**, for a modification (substantial change) of rezoning conditions #10, which requires adherence to the revised rezoning preliminary development plan approved on April 15, 1997, and #16, which limits uses to a golf course club house, pro shop, restaurant, and six residential lots as approved by the architectural review committee of the Green Valley Coordinating Council, to allow the additional use of a communication tower. The subject site is the non-residential portion of the rezoning that is approximately 4.96 acres zoned CB-2 (General Business) and is located at the southeast corner of the intersection of S. Camino del Sol and S. Desert Jewell Loop. (District 4)

ON MOTION, it was

Voted: To **recommend APPROVAL** subject to ~~standard and special~~ modified and additional conditions:

10. Adherence to the revised preliminary development plan approved on ~~April 15, 1997~~ (new date of approval).
16. Use of the western 4.96 acres is limited to a golf course club house, pro shop, ~~and restaurant, and a communication tower~~ as approved by the architectural review committee of the Green Valley Coordinating Council. Use of the eastern 2.04 acres is limited to six residential lots and units as approved by the architectural review committee of the Green Valley Coordinating Council.
17. The communication tower shall be a maximum of 54 feet in height and shall be in the form of a monopalm. An exception to the 54-foot height limit for co-located antenna attachments is allowed provided the tower height is not increased and the co-located antenna does not increase exceed the height of the tower by more than two feet and does not extend from the tower a distance that is greater than that of the existing antennas. The communication tower and equipment area shall be located within the parking lot of the golf course club house as shown on the approved revised preliminary development plan and shall not encumber more than four non-handicapped parking spaces and an end row landscape median. The communication tower and equipment area shall be enclosed by a sight-obscuring minimum eight-foot-high tube steel fence and gate.

The motion **PASSED** (7 – 1; Commissioner Gavin voted **NAY**; Commissioners Membrila and Cook were absent)

9) NEW BUSINESS

- A) Board of Supervisors disposition of cases.
Tom Drzazgowski; Deputy Chief Zoning Insp., gave dispositions of cases.

B) Planning and Zoning Commission Officers nomination and election for Chair and Vice-Chair for Fiscal Year 2016-2017.

ON MOTION, it was

Voted: Commissioner Gavin nominated Committee members as follows: Commissioner Peabody Jr. as Chair and Commissioner Johns as Vice-Chair.

The motion **PASSED** (8 – 0; Commissioners Membrila and Cook were absent)

10) ADJOURNMENT

Meeting was adjourned at 2:37 p.m. on motion by Commissioner Peabody Jr.