



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 **JANUARY 31, 2018**

DATE: FEBRUARY 5, 2018

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

- D1 Brad Johns, Chair
- D2 Barbara Becker, Vice-Chair
- D5 Bruce Gungle
- D3 Lynne Mangold
- D5 Bob Cook
- D4 William Matter
- D2 Armando Membrila

ABSENT

- D1 Jodi Bain
- D3 Tom Tronsdal
- D4 Vacant

SEVEN MEMBERS PRESENT

ALSO PRESENT

- Chris Poirier, Planning Official
- Tom Drzazgowski, Chief Zoning Official
- Tom Coyle, Program Manager
- Mark Holden, Principal Planner
- David Petersen, Senior Planner

- Lauren Ortega, Division Manager
- Jeanette DeRenne, Principal Planner, DOT
- Jenny Neeley, Program Manager, Sustainability
- Greg Saxe, Environmental Plan. Mgr., RFCD
- Angie Rangel, Commission Coordinator

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** the NOVEMBER 29, 2017 Summary, consent agenda as presented by staff.

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

CONTINUED FROM NOVEMBER 29, 2017

REZONING

5) **P17RZ00007 - STEWART TITLE & TRUST TR 1580 – S. KINNEY ROAD REZONING**

Request of Stewart Title & Trust TR 1580, represented by The WLB Group, for a rezoning of approximately 64.8 acres from GR-1(BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Transitional - Buffer Overlay and Gateway Overlay-Urban) zone, a portion of parcel code 212-50-001H located on the east side of S. Kinney Road approximately 1000 feet north of the intersection of S. Kinney Road and W. Ajo Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan Community Activity Center designation. (District 5)

ON MOTION, it was

Voted: To **CONTINUE** to the **FEBRUARY 28, 2018** Planning and Zoning Commission Meeting.

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

REZONING

6) **P17RZ00009 - VANDER-HAYDEN, ET AL. – S. SAN JOAQUIN AVENUE REZONING**

Request of Gerald and Kristi Vander-Hayden, representing Debra Gowin and Shelly Gowin, for a **rezoning** of approximately 2.17 acres from the SH (Suburban Homestead) zone to the CMH-1 (County Manufactured and Mobile Home-1) zone, on property located on the east side of S. San Joaquin Avenue, approximately 800 feet south of W. Irvington Road and approximately 150 feet north of W. Nebraska Street. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low

Intensity Urban 3.0.
(District 5)

ON MOTION, it was

Voted: To recommend **APPROVAL** subject to the following Standard and Special Conditions:

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation condition:
Access to the rezoning site shall be on San Joaquin Avenue as shown on the sketch plan. One access is allowed for the northern two lots, and one access is allowed for the southern two lots.
3. Flood Control conditions:
 - A. A Floodplain Use Permit is required for all development on the lots being split from parcel 137-12-034A including replacement of mobile and manufactured homes and driveway improvements. The extent of floodplains and habitat shall be indicated on the recorded deeds by metes and bounds legal description and/or recorded survey.
 - B. The riparian area shown on the sketch plan shall be avoided by future development.
4. Wastewater Reclamation conditions:
 - A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the 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(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the 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(s) 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(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.

5. Adherence to the sketch plans as approved at public hearing. The number of lots and residential units is limited to four.
6. The property owner shall execute 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. § 12-113.
7. 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.

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

7) P17RZ00010 - HAYMORE – W. SUNKIST ROAD REZONING

Request of David and Barbara Haymore for a **rezoning** of approximately 2.90 acres from the SR (Suburban Ranch) zone to the SR-2 (Suburban Estate) zone, on property located approximately 336 feet south of W. Sunkist Drive and approximately 2,840 feet east of N. La Cholla Boulevard and approximately 2,000 feet west of N. La Canada Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 0.3.
(District 1)

ON MOTION, it was

To recommend **APPROVAL** subject to the following Standard and Special Conditions:

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan for one dwelling as approved at public hearing.
3. A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines for the Multiple Use Management Area designation, which calls for two conserved acres for each acre developed, by limiting the total amount of grading to no more than 42,108 square feet (.97 acres), or approximately one-third of the site.
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.

Invasive Non-Native Plant Species Subject to Control
Ailanthus altissima Tree of Heaven
Alhagi pseudalhagi Camelthorn
Arundo donax Giant reed
Brassica tournefortii Sahara mustard
Bromus rubens Red brome
Bromus tectorum Cheatgrass

Centaurea melitensis Malta starthistle
 Centaurea solstitialis Yellow starthistle
 Cortaderia spp. Pampas grass
 Cynodon dactylon Bermuda grass (excluding sod hybrid)
 Digitaria spp. Crabgrass
 Elaeagnus angustifolia Russian olive
 Eragrostis spp. Lovegrass (excluding E. intermedia, plains lovegrass)
 Melinis repens Natal grass
 Mesembryanthemum spp. Iceplant
 Peganum harmala African rue
 Pennisetum ciliare Buffelgrass
 Pennisetum setaceum Fountain grass
 Rhus lancea African sumac
 Salsola spp. Russian thistle
 Schinus spp. Pepper tree
 Schismus arabicus Arabian grass
 Schismus barbatus Mediterranean grass
 Sorghum halepense Johnson grass
 Tamarix spp. Tamarisk

4. The property owner shall execute 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. § 12-113.
5. 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.
6. 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.

The motion **PASSED** (5 – 2; Commissioners Gungle and Membrila voted Nay; Commissioners Bain and Tronsdal were absent).

COMPREHESIVE PLAN AMENDMENTS

- 8) **P17CA00003 - ELIOPOULOS – WEST INA ROAD #3 AMENDMENT**
 Request of **Frank and Constantina Eliopoulos**, to amend the Pima County Comprehensive Plan from **Medium Intensity Urban (MIU) to Community Activity Center (CAC)** for approximately 1.64 acres located at the south side of West Ina Road approximately 1/4 mile east of North Oracle Road in Section 1, Township 13 South, Range 13 East, in the Catalina Foothills Planning Area.
 (District 1)

Staff presented the Comprehensive Plan Amendment, which reflects an application for a land use change to accommodate development of a self-service car wash. A presentation of the history of the property was described, as well as surrounding land uses and zoning. Staff described the relevant Pima Prospers land use policies. In closing the presentation, staff recommended approval of P17CA00003.

the applicant, Frank Eliopoulos, as well as testimony from 6 neighbors. All of the neighborhood testimony was in opposition to the proposal, and support of the existing land use designation and zoning on the property. Concerns were expressed about noise, traffic, lighting, and aesthetics of a car wash on this property. Staff responded to questions from the Planning and Zoning Commission that were responsive to neighborhood questions.

The Planning and Zoning Commission closed the public hearing.

ON MOTION, it was

Voted: To recommend **DENIAL**.

The motion to **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

9) **P17CA00004 - CAMPBELL FOOTHILLS INVESTORS LP - N. CAMPBELL AVENUE PLAN AMENDMENT**

Request of **Campbell Foothills Investors LP**, represented by **The Planning Center**, to amend the Pima County Comprehensive Plan from **Low Intensity Urban 1.2 (LIU-1.2) 0.5 Acres, Low Intensity Urban 3.0 (LIU-3.0) 5.5 Acres, Medium Intensity Urban (MIU) 1.0 Acres, and Higher Intensity Urban (HIU) 0.2 acres to Medium Intensity Urban (MIU) 7.2 Acres and, to rescind Rezoning Policy RP-50 North Campbell Avenue (max. residential density = 16 dwellings)** located at the east side of North Campbell Road approximately .5 miles north of East. River Road in Section 20, Township 13 South, Range 14 East, in the Catalina Foothills Planning Area.
(District 1)

Staff presented the Comprehensive Plan Amendment request and detailed the specifics relative to a change of density to 5 to 13 units per acre. The legislative history of the property was presented and the condition of 16 single family residential lots on this property was highlighted. Staff detailed the elements of the staff report and the relevant Pima Prospers policies. The presentation concluded with the staff recommendation of approval.

The Planning and Zoning Commission opened the public hearing and received a presentation from Linda Morales of The Planning Center, who represented the owners of the property. Ms. Morales described the interest to revisit the existing land use designations on the parcels. Of note, the owners communicated that the limitation of 16 units on the development would not support the cost of construction of a bridge on the east side of Campbell. Representatives from St. Phillips Church presented testimony with regard to access and easements involving this development. A representative of Foothills Ridge Homeowners Association presented concerns about traffic and sight lines on Campbell. In total, 6 neighbors, expressed concerns with the proposal.

The Planning and Zoning Commission closed the public hearing.

ON MOTION, it was

Voted: To recommend **APPROVAL**.

The motion **PASSED** (4 – 3; Commissioners Matter, Cook and Gungle voted Nay; Commissioners Bain and Tronsdal were absent).

ZONING CODE TEXT AMENDMENT

10) P17TA00007 - COMMUNICATION TOWER – UTILITY POLES

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.07.030(H) (Communication Towers), to amend the regulations to align with state law, including providing an administrative waiver process for sites per state law; Chapter 18.07.030(H) (Communication Towers), to add a neighbor notice process to permit certain types of towers without a conditional use permit; Chapter 18.77.040 (Scenic Routes), to provide regulations for new utility poles along scenic routes.
(All Districts)

ON MOTION, it was

Voted: To recommend **APPROVAL** of the zoning code text amendment.

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

INITIATION OF ZONING CODE TEXT AMENDMENTS

11) PRE-1976 MOBILE HOMES

Staff requests that the Planning and Zoning Commission authorize and initiate revisions to the Pima County Zoning Code address pre-1976 mobile homes in Pima County. The 2015 Pima County Comprehensive Plan Update, Pima Prospers, includes a section on Housing and Community Design that includes goals to address the importation and installation of pre-1976 mobile homes in the county, and to support strategies that preserve and subsidize affordable housing. Section 18.01.070(B)(1) of the Pima County Zoning Code states the board of supervisors or the planning and zoning commission is responsible for the initiation of code amendments.
(All Districts)

ON MOTION, it was

Voted: To recommend **APPROVAL OF THE INITIATION**.

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

12) CHANGES TO MAXIMUM HEIGHT IN INDUSTRIAL ZONES

STAFF REQUESTS THAT THE PLANNING AND ZONING COMMISSION AUTHORIZE AND INITIATE REVISIONS TO THE PIMA COUNTY ZONING CODE FOR INDUSTRIAL ZONES TO INCREASE MAXIMUM HEIGHTS. STAFF EXPECTS TO PROPOSE CHANGES TO HEIGHT LIMITS IN MULTIPLE USE (MU – SECTION 18.37), LIGHT INDUSTRIAL/WAREHOUSE (CI-1 – SECTION 18.51), GENERAL INDUSTRIAL (CI-2 – SECTION 18.53) AND HEAVY INDUSTRIAL (CI-3 SECTION 18.55).

ON MOTION, it was
Summary

JANUARY 31, 2018

Page 7 of 8

Voted: To recommend **APPROVAL OF THE INITIATION.**

The motion **PASSED** (7 – 0; Commissioners Bain and Tronsdal were absent).

8) NEW BUSINESS

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

9) ADJOURNMENT

Meeting was adjourned at 12:00 p.m..