

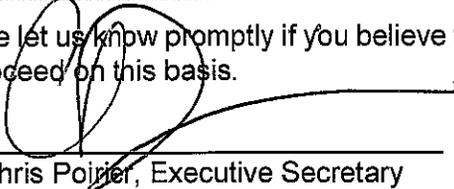


MEMORANDUM

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 **MARCH 28, 2018**
DATE: April 18, 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
- D1 Jodi Bain
- D5 Bruce Gungle
- D4 David Hook
- D3 Ryan Maese
- D4 William Matter
- D2 Armando Membrila (9:15 am)
- D3 Tom Tronsdal

ABSENT

- D2 Barbara Becker, Vice-Chair
- D5 Bob Cook

EIGHT MEMBERS PRESENT

ALSO PRESENT

- Chris Poirier, Planning Official
- Tom Drzazgowski, Chief Zoning Inspector
- Terrill Tillman, Principal Planner
- Mark Holden, Principal Planner

- Lauren Ortega, Deputy Director
- Greg Saxe, Environmental Plan. Mgr., RFCO
- Jenny Neeley, Program Manager, Sustainability
- 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 FEBRUARY 28, 2018 Summary, consent agenda as presented by staff.

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

4) **CALL TO THE AUDIENCE**

No one spoke.

REZONINGS

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 recommend: **APPROVAL** subject to Special and Standard Conditions with the addition of Condition #10:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
 - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all their requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
 - C. The rezoning shall be limited to three access points. One access point will be located on Kinney Road, as shown on the preliminary development plan, and two onto Ajo Highway. Access onto Ajo Highway shall be at the locations shown on the preliminary

development plan and at the signalized intersection of Camino de Oeste and Ajo Highway.

D. The owner shall dedicate 45 feet of right-of-way for Camino de Oeste north of Ajo Highway. The right-of-way should extend north of the intersection to the entry point of the subdivision.

3. Regional Flood Control District conditions:

A. Trails within washes must provide for safe pedestrian access.

B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

4. Regional Wastewater Reclamation Department 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 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. Environmental Planning condition: 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

<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

6. Cultural Resources Division 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. 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. § 12-1134(I)."
10. No access shall be given between the subject property and the property to the north (parcel code 212-200-130) without written approval of both parties.

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

6) P18RZ00001 - WONG FAMILY LIMITED PARTNERSHIP - N. THORNYDALE ROAD REZONING

Request of Wong Family Limited Partnership, represented by Projects International, Inc., for a rezoning of approximately 18.3 acres from the SR (Suburban Ranch) to the CB-1(Local Business)(3.0 acres) and CR-5 (Multiple Residence)(15.3 acres) zones on property (Parcel codes 225-02-027F, 225-02-027G and 225-02-027J) located at the

southeast corner of N. Thornydale Road and W. Overton Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Neighborhood Activity Center and Medium Low Intensity Urban designations.
(District 1)

ON MOTION, it was

Voted to recommend: **APPROVAL** subject to Standard and Special Conditions:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner shall dedicate 45 feet of right-of-way for Thornydale Road, the right-of-way shall be dedicated to Pima County within 45 days of Board of Supervisors approval of the rezoning.
 - B. The property owner shall dedicate 15 feet of right-of-way for Overton Road.
 - C. The property is limited to two access points on Thornydale Road, and one access point on Overton Road.
 - D. An emergency access/pedestrian crossing shall be located between the rezoning site and Ironwood Meadows Drive.
 - E. The subdivision shall be designed to the greatest extent possible to create cohesive pedestrian access. The proposed detention basin on the eastern boundary of the property shall not be walled off from the neighboring subdivision.
3. Regional Flood Control District conditions:
 - A. The Tentative Plat shall show on-site habitat mitigation and first flush retention in the overbank floodplain area and shall be designed to utilize on-site drainage that is proposed to be received from the northern residential watershed shown on the PDP.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points including water harvesting to support the riparian habitat mitigation area.
4. Regional Wastewater Reclamation Department conditions:
 - G. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - H. 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.
 - I. 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.
 - J. 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.

- K. 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.
 - L. 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. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 52 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the Preliminary Development Plan (PDP), the property owner shall provide a minimum of four (4) acres of natural open space for every acre developed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 3 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total 52 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies found in Pima Prospers, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4 Environmental Element, Policy 11: "Conservation Lands System Mitigation Lands") and must 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) 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

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
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<i>Bromus tectorum</i>	Cheatgrass
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<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
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<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
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<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass

<i>Pennisetum setaceum</i>	Fountain grass
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<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources condition: 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 at (520) 621-4795 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. 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. § 12-1134(l)."

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

7) NEW BUSINESS

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

8) ADJOURNMENT

Meeting was adjourned at 10:33 a.m..