



Pima County
Planning and Zoning Commission

MEETING LOCATION
Administration Bldg. - East
130 W. Congress Street
1st Floor
Tucson, AZ 85701

**Meeting Summary
09-30-2020**

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

1. ROLL CALL – 9:00 a.m.

PRESENT

- District 1 Brad Johns, Chair*
- District 2 *Barbara Becker, Vice-Chair*
**Armando Membrila*
- District 3 *Ryan Maese*
**Tom Tronsdal*
- District 4 *David Hook*
**William Matter*
- District 5 *Bob Cook*
**Bruce Gungle*

ABSENT

Jodi Bain

NINE MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official & Executive Secretary
Carla Blackwell, Director
*Terri Tillman, Principal Planner

Tom Drzazgowski, Chief Zoning Inspector
Mark Holden, Principal Planner
*Lauren Ortega, Deputy Director

**Present Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of August 26, 2020.
The motion **PASSED** 9 – 0 (Commissioner Bain was absent).

4. CALL TO THE PUBLIC

No one from the public spoke.

CONTINUED HEARINGS

REZONING (Continued from the August 26, 2020 hearing)

5. **P20RZ00008 SB VENTURES I, LLC – E. BENSON HIGHWAY REZONING**

SB Ventures I, LLC, requests a **rezoning** of approximately 8.13 acres from the CB-2 (General Business) and TR (Transitional) zones to the TH (Trailer Homesite) zone, located 200 feet west of the intersection of E. Benson Highway and S. Columbus Boulevard, on parcel codes 140-35-2030, 140-35-206B and a portion of 140-35-407A and addressed as 4180, 4200, and 4240 E. Benson Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan, which designates the property for Multifunctional Corridor and Medium Intensity Urban. (District 2)

ON MOTION, it was

Voted to recommend **CONTINUE** to the May 2021 hearing:

The motion **PASSED 9 – 0** (Commissioner Bain was absent).

NEW HEARINGS

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

6. **Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**

Riverview Ventures, LLC represented by Lazarus & Silvyn, P.C. request a **modification (substantial change) of rezoning condition #12** which requires adherence to the 2011 revised preliminary development plan, proposing a change of use to townhouse development. The 4.11 acre property, parcel code 104-01-104G, is conditionally zoned CB-2 (General Business) and is located on the west side of River Road approximately 2,000 feet east of La Cholla Boulevard. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED 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. Access is ~~only~~ allowed as shown on the ~~2011~~ 2020 revised Preliminary Development Plan (EXHIBIT B) or as approved by the Department of Transportation.
 - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
3. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.

- C. The property owner(s)/developer(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 or critical basin.
 - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
 - F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements, at no cost to Pima County, 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.
 - G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
 - H. 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. 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. Environmental Quality condition:

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

6. Cultural Resources conditions: 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.

~~A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.~~

~~B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.~~

~~C. 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. Natural Resources, Parks and Recreation conditions:

A. At a minimum, two access points from Parcel A to the river park shall be provided.

~~B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.~~

G-B. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

8. Environmental Planning conditions:

A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.

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 listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and, Pima County may enforce this rezoning condition against any future property owner.

Invasive Non-Native Plant Species Subject to Removal:

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
<u>Oncosiphon pilulifer</u>	<u>Stinknet</u>
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

9. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, and sewer facilities.
11. 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)."
12. Adherence to the 2014 2020 revised preliminary development plan as approved at public hearing (EXHIBIT B).
13. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following: Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
14. The following uses shall be prohibited in the TR portion of the rezoning site:
 - a. Temporary trailer or mobile or manufactured home
 - b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
 - c. Factory-built (modular) buildings
 - d. Home auto repair
 - e. Open storage
 - f. Community service agency
 - g. Hospital or sanatorium
 - h. Community storage garage

15. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
 - a. Auto mechanic repair
 - b. Automobile accessories, parts and supplies
 - c. Automobile lubrication and oil change operation
 - d. Automobile tires, batteries and accessories installation in conjunction with a department store
 - e. Billiard or pool hall
 - f. Garage for public storage only
 - g. Gasoline service station
 - h. Large-scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional
 - l. Station: bus or stage
 - m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental
 - o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
16. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
17. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
18. The gross density shall be a minimum of 10 residences per acre.
19. ~~Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.~~
- ~~20.~~19. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

The motion **PASSED** 9-0 (Commissioner Bain was absent).

7. **NON-CODE ORDINANCE FOR DEVELOPMENT SERVICES PERMITTING AND LICENSE FEES**

ON MOTION, it was

Voted to recommend **APPROVAL** of the revised fee schedule.

The motion **PASSED** 8-0 (Commissioners Bain and Tronsdale were absent).

8. **BOARD OF SUPERVISORS DISPOSITION OF CASES**

9. **ADJOURNMENT**

Meeting adjourned at 10:06 a.m.

The meeting summary will be posted on the website at <http://pima.gov/DSDBCC/>