



Pima County

Planning and Zoning Commission

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

Meeting Summary
01-26-2020

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) The pre-meeting was called to order at 8:35 a.m. and the regular meeting of the Planning and Zoning Commission 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 85701.

2) ROLL CALL

PRESENT

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

ABSENT

- District 1 Jodi Bain
- District 3 Ryan Maese
- District 5 Bob Cook

SEVEN MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official & Executive Secretary
Tom Drzazgowski, Chief Zoning Inspector
Mark Holden, Principal Planner
David Petersen, Senior Planner

Joseph Godoy, Site Review Project Mgr.
David Takaki, Site Review Project Mgr.
Ann Moynihan, Civil Engineering Mgr., RFCD
Supervisor Steve Christy, District 4

3) PLEDGE OF ALLEGIANCE

4) CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of October 30, 2019 Summary.
The motion **PASSED** 7 – 0 (Commissioners Bain, Cook and Maese were absent).

5) CALL TO THE PUBLIC

No one from the public spoke.

CONTINUED HEARINGS

COMPREHENSIVE PLAN AMENDMENT

(Continued from 09/25/19 and 10/30/19)

6. **P19CA00001 PIMA COUNTY - N. TRICO ROAD PLAN AMENDMENT**

Pima County requests a **Comprehensive Plan amendment** of approximately 296.3 acres from Resource Conservation (RC) to Industrial (I) land use designation, parcel 208-07-0040, located immediately south of the Pinal County boundary and 1 mile west of N. Trico Road, in Section 4, Township 11 South, Range 10 East, in the Avra Valley Planning Area. (District 3)

This case was WITHDRAWN by the applicant.

(Continued from 10/30/19 and 11/27/19)

7. **P19CA00005 MORTGAGE EQUITIES XVI LLC - S. SORREL LANE PLAN AMENDMENT**

Mortgage Equities XVI LLC, represented by Rick Engineering Co., requests a **comprehensive plan amendment** of approximately 68.42 acres from Low Intensity Urban 1.2 (LIU 1.2) to Low Intensity Urban 3.0 (LIU 3.0) land use designation, on parcels 138-29-6820, 138-29-6830 and a portion of 138-29-002A, located at the northeast corner of the intersection of S. Sorrel Lane and W. Hermans Road, in Section 20, Township 15 South, Range 13 East, in the Southwest Planning Area. (District 5)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO A REZONING POLICY:**

Drainage improvements shall be enhanced with native riparian vegetation and PCRRH mitigation shall occur on-site

The motion **PASSED 7 – 0** (Commissioners Bain, Cook and Maese were absent).

HEARINGS

REZONING

8. **P19RZ00011 HIGINIO – N. CAMINO DE OESTE REZONING**

Higinio Avilez represented by Projects International, Inc., requests a **rezoning** of approximately 9.73 acres from the SH (Suburban Homestead), 4.96 acres, and the SR (Suburban Ranch), 4.77 acres, zones to the CR-4 (Mixed-Dwelling Type) zone located at the northwest corner of W. Massingale Road and N. Camino de Oeste, addressed as **7701 N. Camino de Oeste**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban (MIU). (District 1)

ON MOTION, it was:

Voted to recommend **APPROVE 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 shall be limited to two (2) access points on Camino de Oeste.
 - B. During the subdivision platting process, thirty-five (35) feet of right-of-way shall be dedicated along the eastern property line adjacent to Camino de Oeste.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
4. Regional Wastewater Reclamation Department conditions:
 - A. 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.
 - 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 Planning condition: Upon the effective date of the Ordinance, the owner(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 property owner.
6. 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)."

The motion **PASSED** 7 – 0 (Commissioners Bain, Cook and Maese were absent).

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

9. Co9-99-46 HASTINGS – RIVER ROAD REZONING

Request of E & S Irving, LLC, represented by Gene Goldstein, for a **modification (substantial change) of rezoning condition #12** which requires adherence to the approved preliminary development plan for a convenience store with fuel dispensers and a restaurant with a drive-through. The applicant proposes an additional restaurant with a drive-through and additional retail space. The subject site is an approximately 2.11-acre portion of the original 4.02-acre rezoning to CB-1 (Local Business) located on the south side of River Road, approximately 220 feet west of the intersection of W. River Road and N. La Cholla Boulevard and is addressed as **2171 W. River Road**. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**

- ~~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 without the written approval of the Board of Supervisors.~~
7. Transportation conditions:
 - A. A maximum of two (2) access points to River Road and a maximum of one (1) access point to La Cholla Boulevard shall be permitted for the subject property. The location and design of said access points and on-site traffic circulation shall be subject to approval by the Department of Transportation at the time of development plan or subdivision plat approvals. ~~Access to River Road shall not be permitted until the~~

roadway construction is completed and the road is opened for use by the public.

- B. ~~The property owner(s) shall reach a financial contribution agreement with and acceptable to the Department of Transportation and Flood Control District prior to development plan or subdivision plat approvals. Said agreement shall address the amount of a fair share financial contribution required from the property owner(s) for roadway capacity improvements to La Cholla Boulevard and/or River Road which are impacted by the proposed development; or if an improvement district is formed for said roadway capacity improvements to La Cholla Boulevard and/or River Road, the property owner(s) shall participate in said improvement district.~~

- B G. ~~Provision of all necessary access improvements to River Road and La Cholla Boulevard as determined during the plan review process. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~

A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the permitting process. Off-site improvements determined necessary as a result of the traffic impact study shall be the responsibility of the property owner/developer. The traffic study shall include an emphasis on storage length, taper lengths, and queuing analysis of the existing right turn lane including existing and proposed trips.

82. Flood Control conditions:

- A. Drainage will not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts that are needed as a result of the proposed development shall be constructed at no cost to the District.
- C. Buffering (landscape screening) plans and other site design features associated with the development of the subject property adjacent to the Rillito River Park shall need written approval by the Flood Control District and the Parks and Recreation Department prior to any development plan approvals.
- D. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
- E. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- F. A Riparian Habitat Mitigation Plan, which may include payment of an in-lieu fee, shall be submitted with the Site Construction Permit.

93. Wastewater Management conditions:

~~The property owner must 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.~~

- A. 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.
- 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.
40. ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.~~
444. ~~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.~~
425. Adherence to the revised preliminary development plan as approved at public hearing. ~~The westernmost building pad shall not have a drive-through lane.~~ The proposed location of the additional restaurant and general retail store as depicted in the revised preliminary development plan shall require a formal approval of a reduction to the minimum 25-foot rear setback requirement. Vehicular cross-access to the convenience store site shall be maintained.
436. ~~The owner/developer, by separate instrument approved by Pima County, shall dedicate to Pima County or the Pima County Flood Control District, as determined by Pima County, an ingress, egress and regress easement for a trail, at least 12 feet in width, through, over and across the subject property, to provide vehicular, pedestrian and bicycle access to, from and between the Pima County Rillito Linear Park and River Road and La Cholla Boulevard. Additionally, the owner/developer shall dedicate the area of the trail and the southernmost 37 feet of the subject property as an open space and park premises easement to Pima County for the benefit of recreational, pedestrian, and bicycle users of the linear park. The trail and open space easements are to be located substantially in conformance with the concept approved by the Board of Supervisors at public hearing.~~
The owner/developer, by separate instrument(s) approved by Pima County, shall dedicate to Pima County or the Pima County Regional Flood Control District, as determined by Pima County, an ingress, egress and regress easement for a trail, at least 12 feet in width through, over and across the subject property, to provide pedestrian and bicycle access to, from and between the Pima County Rillito River Park and River Road and an ingress, egress and regress easement for a trail, at least eight feet in width through, over and across the subject property, to provide pedestrian access to, from and between the Pima County Rillito River

Park and River Road. Additionally, the owner/developer shall dedicate the area of the trails as an open space and park premises easement to Pima County for the benefit of recreational, pedestrian, and bicycle users of the linear park. The minimum eight-foot pedestrian trail shall be surfaced with decomposed granite and located substantially in conformance with the location of the five-foot DG trail shown on the revised preliminary development plan. It shall connect to the existing decomposed granite trail path within the linear park. The minimum 12-foot trail shall be paved and located at the western end of the parking area and access lane shown on the revised preliminary development plan. It shall connect to the existing paved trail path within the linear park. The trails shall be constructed in accordance with the Natural Resources, Parks and Recreation Design Manual.

7. The required Bufferyard "D" landscape plantings along the Rillito River Park shall extend from the post dedication subject property boundary to within, but no closer than, five feet of the existing decomposed granite trail path. Plant densities shall be consistent with the code requirements for the width(s) of the bufferyard. Provision of canopy trees shall include placements to provide shading for the trail path. Plant materials shall be from the plant pallette used within the linear park and shall be irrigated for a minimum of five years. Unpaved portions of the site west of the westernmost building pad shall be re-vegetated with plant types and densities consistent with the Bufferyard "D" described herein. The bufferyard structural element shall be a 40-inch high decorative masonry wall. The wall shall not be located within property dedicated to Pima County.

8. Upon the effective date of the Resolution, 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.

The following exotic and invasive plant species shall be prohibited anywhere on the property:

Invasive Non-Native Plant Species Subject to Control

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

Sorghum halepense Johnson grass
Tamarix spp. Tamarisk

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.
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, or sewer facilities.

The motion **PASSED** 7 – 0 (Commissioners Bain, Cook and Maese were absent).

10. BOARD OF SUPERVISORS DISPOSITION OF CASES
11. ADJOURNMENT – 11:15 AM

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