



Pima County

MEETING LOCATION
Virtual

Planning and Zoning Commission

Meeting Summary

9-28-2022

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 *Mark Hanna
- *Jan Truitt
- District 2 *Barbara Becker
- *Armando Membrilla
- District 3 *Ryan Maese
- *Tom Tronsdal, Vice-Chair
- District 4 *William Matter
- District 5 *Bob Cook
- *Bruce Gungle

ABSENT

- District 4 David Hook, Chair

NINE MEMBERS PRESENT

(Hanna arrived at item 5, Gungle arrived during Study Session)

ALSO PRESENT

- *Chris Poirier, Planning Official & Executive Secretary
- *Tom Drzazgowski, Chief Zoning Inspector
- *Donna Spicola, Senior Planner & Commission Coordinator
- *Terrill Tillman, Principal Planner
- *Kathryn Skinner, Transportation Director
- *Jonathan Crowe, Principal Planner

**Present Virtually or Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of July 27, 2022. The motion **PASSED** 7-0 (Commissioners Hanna, Hook and Gungle were absent).

4. CALL TO THE PUBLIC

No one from the public spoke.

NEW HEARINGS

CONCURRENT PLAN AMENDMENT AND REZONING

5. **P22CR00001 EXA ARCHITECTS INC – E. RIVER ROAD PLAN AMENDMENT AND REZONING**

EXA Architects, Inc. represented by Jose Ceja, request a **concurrent plan amendment and rezoning** to amend the Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Higher Intensity Urban (HIU) and to rezone from CR-1 (Single Residence) to TR (Transitional) zone on approximately .77 acres. The site is located on the north side of E. River Road approximately 560 feet east of the T-intersection of N. Camino Escuela and E. River Road addressed as **2103 and 2107 E. River Road**, in Section 20, Township 13 South, Range 14 East, in the Catalina Foothills Planning Area. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO 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 conditions:
 - A. The property owner(s) shall dedicate 30 feet of right-of-way for River Road.
 - B. The existing eastern driveway on River Road shall be abandoned and reconstructed to match adjacent conditions, at a minimum curb and sidewalk.
 - C. Prior to development plan approval, written proof of coordination with the City of Tucson Department of Transportation is required regarding traffic impacts to their roadway system.
3. Regional Flood Control conditions:
 - A. Reduction of increased peak discharge shall be maximized in depressed landscape areas. If reduction from post-developed to pre-developed levels cannot be achieved through stormwater harvesting, a request to waive the excess detention requirement shall be approved by the District prior to submittal of the site permit.
 - B. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment of capacity to serve any new development within the plan amendment/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 plan amendment/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(s) shall time all new development within the plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/rezoning area.
5. Environmental Planning conditions: 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. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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 sketch plan as approved at public hearing.
 8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
 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 the following disclaimer regarding Private Property Rights Protection Act: "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 Hook and Gungle were absent).

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

6. Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest LLC, represented by the Planning Center, requests a **modification (substantial change) of rezoning condition #11** which states. "Adherence to the preliminary development plan as approved at public hearing". The applicant requests to amend the preliminary development plan from medical office and assisted living uses to allow for an apartment complex. The subject site is approximately 11.5 acres zoned TR © (Transitional - Conditional), located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO ORIGINAL AND 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 Services Department.~~
1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 6 2. Transportation conditions:
 - ~~A. The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.~~
 - B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.
 - C. The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.
 - D. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
- 7 3. Flood Control conditions:
 - ~~A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.~~
 - ~~B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.~~

- A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
- B. The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.
- C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

8 4. Wastewater Reclamation conditions:

- A. The owner/developer 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/developer to that effect.
- B. The owner/developer 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 conveyance capacity not be available at that time, the owner/developer 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/developer 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/developer 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/developer 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/developer 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.

9 5. Environmental Quality conditions:

- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
- B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

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

- 44 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
- 42 8. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
- 43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
- 44 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.
- 45 11. The property owner shall execute ~~and record~~ the following disclaimer regarding the Private Property Rights Protection Act: 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)."
- 46 12. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
- 47 13. Upon the effective date of the Ordinance, the owner(s)/developer(s) ~~of the rezoned property 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(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

The motion **PASSED** 8-0 (Commissioners Hook and Gungle were absent).

STUDY SESSION

7. VALENCIA CORRIDOR DISCUSSION
8. BOARD OF SUPERVISORS DISPOSITION OF CASES
9. ADJOURNMENT

Meeting adjourned at 11:14 a.m.

The meeting summary will be posted on the website at:
[Planning and Zoning Commission Information - Pima County](#)