



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 **APRIL 27, 2016**

DATE: April 29, 2016

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

D4 Eddie Peabody, Jr., Vice-Chair
D4 William Matter
D2 Randall R. Holdridge
D5 Bob Cook *arrived at 9:27 a.m.*
D1 Jodi Bain
D3 Lynne Mangold
D1 Brad Johns
D3 Peter Gavin

ABSENT

D5 Jenny Neeley, Chair
D2 Armando Membriola

EIGHT MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official
Mark Holden, Principal Planner
Terri Tillman, Senior Planner
Janet Emel, Senior Planner
Tom Drzazgowski, Deputy Chief Zoning Insp.
Celia Turner, Coordinator

Jeanette DeRenne, Principal Planner, DOT
Greg Saxe, Environmental Plan. Mgr., RFCD
Jim Portner, Hearing Administrator

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** March 30, 2016 checklist and consent agenda as well.

The motion **PASSED** (7 – 0; Commissioners Neeley, Membrilla and Cook were absent)

4) **CALL TO THE AUDIENCE**

A member of the public spoke in regards to notifications. Chris Poirier, Planning Official, responded to the speaker's inquiries.

REZONINGS FOR PUBLIC HEARING:

5) **P16RZ00003 GST LLC, ET AL. – W. OVERTON ROAD REZONING**

Request of GST LLC, et al. represented by Tucson Land & Cattle Co. for a rezoning of approximately 58.6 acres from the SR (Suburban Ranch) zone to the CR-3 (Single Residence) zone, on property located at the northwest corner of N. Pomona Avenue and W. Pine Street and on the southwest corner of W. Pine Street and N. Romero Avenue. The Pima County Comprehensive Plan designates the property for Low Intensity Urban 3.0 (39 acres) and Medium Intensity Urban (19.6 acres). (District 1)

ON MOTION, it was

Voted: To **recommend APPROVAL** subject to standard and special conditions with the amendment to Transportation Condition #3-A to read as follows: "Additional access shall be provided for the site, including one access directly serving the southern portion of the site, unless an alternative design that connects the north and south portions of the site, and is acceptable to the Department of Transportation, is provided".

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
 - A. ~~Additional access shall be provided for the site, including one access directly serving the southern portion of the site, unless an alternative design that connects the north and south portions of the site, and is acceptable to the Department of Transportation, is provided.~~ Private vehicular access for the project shall conform with the Preliminary Development Plan (PDP). A suitable physical barrier subject to Department of Transportation approval shall be provided to ensure that no vehicular migration occurs between the new street that connects the north and south parcels and Pine/Romero Street at that point where these roads are in closest proximity to each other. Only fire and emergency access shall be allowed onto Romero Avenue for the southern twenty-acre parcel.
 - B. Access to the site shall provide access to the adjacent church. The access road shall not create an additional opening onto Overton Road.
4. Regional Flood Control District conditions:
 - A. Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.
 - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval with the Development Plan.
 - C. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
5. Regional Wastewater Reclamation 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.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(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. 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.
 7. Cultural Resources condition: A caution must be noted concerning human burials. 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.
 8. Natural Resources, Parks and Recreation condition: The owner shall dedicate a 15-foot public non-motorized trail easement for trail #220, Hardy Road alignment, as shown on the Pima Regional Trail System Master Plan.
 9. Adherence to the preliminary development plan as approved at public hearing including the 106 lot limitation.
 10. The maximum height is limited to one-story and 19 feet.
 11. 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.
 12. The property owner shall execute and record 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** (8 – 0 ; Commissioners Neeley and Membrila were absent).

CODE TEXT AMENDMENT FOR PUBLIC HEARING:

6) Co8-15-03 COMPREHENSIVE PLAN PROCEDURES

Proposal to amend by ordinance the Pima County Zoning Code Title 18, Chapter 18.89 (Comprehensive Plan) to create a second window during the calendar year to accept non-major comprehensive plan amendment applications; change the definition of major plan amendment from 500 to 640 acres; redefine when to hold a Commission study session; increase the maximum site area allowed for Type 2 Minor Revision requests; and update Chapter 18.89 consistent with the recently updated Pima County Comprehensive Plan. (All districts)

ON MOTION, it was

Voted: To **CONTINUE** until May 25, 2016.

The motion **PASSED** (8 – 0 ; Commissioners Neeley and Membrila were absent).

TYPE III CONDITIONAL USE PERMIT FOR PUBLIC HEARING:

7) P16CU00004 PIMA COUNTY – S. HOUGHTON RD.

Request of Christine Tucker with Insite Ince (on behalf of Verizon Wireless), on property located at 11300 S. Houghton Rd, in the RH Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 4)

ON MOTION, it was

Voted: To **recommend APPROVAL** subject to standard and special conditions.

Standard Conditions

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new/resultant total tower height shall be no more than one hundred feet (100').
2. The tower will be located on the property as depicted on the submitted development/site plan.
3. The tower will be camouflaged through painting it an aluminum/flat gray color.
4. The on-the-ground equipment area will be secured with six foot (6') tall chain link fencing as shown on the applicant's submitted materials.

The motion **PASSED** (7 – 1; Commissioner Holdridge voted **NAY**; Commissioners Neeley and Membrila were absent).

8) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.

Chris Poirier, Planning Official, provided disposition of cases.

9) **ADJOURNMENT**

Meeting was adjourned at 10:49 a.m. on motion by Commissioner Peabody.