



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

TO: Chairman and Members, Pima County Planning and Zoning Commission

FROM: Arlan Colton, Executive Secretary

RE: Pima County Planning and Zoning Commission Hearing of **August 26, 2015**

DATE: August 31, 2015

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.

Arlan Colton, 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

Eddie Peabody, Jr., Vice-Chair
William Matter
Randall R. Holdridge
Armando Membriila
Bob Cook
Brad Johns
Jodi Bain

ABSENT

Jenny Neeley, Chair
Peter Gavin

EIGHT MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Mark Holden, Principal Planner
Janet Emel, Senior Planner
Tom Drzazgowski, Deputy Chief Zoning Inspector
Jeanette DeRenne, Principal Planner, DOT
Celia Turner, Coordinator

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** July 29, 2015 checklist and the Consent Agenda.

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

4) **CALL TO THE AUDIENCE**

No one spoke.

TYPE III CONDITIONAL USE PERMITS FOR PUBLIC HEARING

- 5) **P21-15-014 CORNWELL TRUCKING REPAIR LLC – S. BURCHAM AV.** Request of Coal Creek Consulting (on behalf of T-Mobile), on property located at 7002 S. Burcham Ave., in the **CR-3 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 2)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions:

Standard Conditions {per the Pima County Zoning Code}

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

Special Conditions:

1. The new top height of the tower shall not be more than sixty-five feet (65') to the highest point of the structure.
2. The proposed monopole tower and all antennae mounted on it shall be a flat gray, non-reflective color.
3. All associated cabling, etc. necessary to serve the antennae shall be painted the same non-reflective gray color as the tower and antennae.
4. The monopole tower shall be located on the property as shown on the submitted Development Plan (DP); the on-the-ground equipment area compound shall be located and secured as shown on the same DP.

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

REZONING FOR PUBLIC HEARING

6) Co9-15-03 DADO (aka ESCARZAGA) – WEST YEDRA ROAD REZONING

Request of Joel Dado (aka Escarzaga), represented by Simeon Escarzaga, for a rezoning of approximately 4.77 acres from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone, on property at 7700 W. Yedra Road located on the north side of Yedra Road and approximately 300 feet east of S.Vahalla Road. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-13-10) which designates the property for Medium Intensity Rural (MIR). (District 3)

ON MOTION, it was

Voted: To APPROVE subject to Standard and Special Conditions with an amendment to delete Condition 7b and to revise Condition 7c to read "The common driveways shall be paved..."

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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 Development Services Department.
5. Adherence to the preliminary development plan as approved at public hearing.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - a. The property owner/developer shall dedicate 15 feet of right-of-way for Yedra Road.
 - ~~b. The property shall be limited to 1 access point onto Yedra Road.~~
 - c. The common driveways shall be paved (chip sealed) within six (6) months of the issuance of building permits.
8. Flood Control condition: A Floodplain Use Permit is required for development and engineering may be required to determine the Base Flood Elevation, erosion protection and the most suitable location within the lot for development.
9. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building

permit is submitted for review.

10. 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.
11. The property owner shall execute and record the following disclaimer regarding Prop 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. 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** (5 – 3; Commissioners Matter, Cook and Peabody voted **NAY**, Commissioners Neeley and Gavin were absent).

2015 COMPREHENSIVE PLAN AMENDMENT PROGRAM FOR PUBLIC HEARING

- 7) **Co7-15-01 MAGEE COMO DEVELOPMENT ASSOCIATION, LLC - N. LA CHOLLA BOULEVARD PLAN AMENDMENT**
Request of **Magee Como Development Association, LLC** to amend the Pima County Comprehensive Plan from Medium High Intensity Urban (MHIU) (Medium Intensity Urban (MIU) in the Pima Prospers 2015 Comprehensive Plan Update) to Neighborhood Activity Center (NAC) for approximately 0.88 acres located on the north side of W. Magee Road, west of N. La Cholla Boulevard, in Section 33, Township 12 South, Range 13 East, in the Northwest Subregion (Tortolita Planning Area in the 2015 Comprehensive Plan Update). (District 1)

ON MOTION, it was

Voted: To APPROVE subject to rezoning policy:

Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-through restaurants and stand-alone bars.

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

CODE TEXT AMENDMENT FOR INITIATION

8) INITIATION OF ZONING CODE TEXT AMENDMENT – HOME OCCUPATIONS, WALLS AND FENCES

Staff requests that the Planning and Zoning Commission authorize and initiate a revision to the Pima County Zoning Code, chapters 18.03 General Definitions, to revise a section in the definition of a structure in order to exempt the permit requirements for walls and fences 84 inches or less and 18.09 General Residential and Rural Zoning Provisions to revise the Home Occupations section to align it with the revised state statutes.

ON MOTION, it was

Voted: To APPROVE as proposed by staff.

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

9) NEW BUSINESS

A) Board of Supervisors disposition of cases.
Arlan Colton, Planning Director, provided disposition of cases.

10) ADJOURNMENT

Meeting was adjourned at 11:00 a.m. on motion by Commissioner Membrila, seconded by Commissioner Peabody.