



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 **AUGUST 31, 2016**

DATE: AUGUST 31, 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., Chair
D1 Brad Johns, Vice-Chair
D4 William Matter
D2 Armando Membrilla
D5 Bob Cook
D3 Lynne Mangold
D3 Peter Gavin
D2 Barbara Becker

ABSENT

D5 Bruce Gungle
D1 Jodi Bain

EIGHT MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official
Mark Holden, Principal Planner
Tom Drzazgowski, Deputy Chief Zoning Insp.
Terri Tillman, Senior Planner
Donna Spicola, Planner
Artemio Hoyos, Planner
Celia Turner, Coordinator

Jeanette DeRenne, Principal Planner, DOT
Greg Saxe, Environmental Plan. Mgr., RFCD
Sherry Ruther, Environmental Planning Mgr.
Jenny Neeley, Program Manager

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 13, 2016 checklist and consent agenda as well.

The motion **PASSED** (8 – 0; Commissioners Bain and Gungle were absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

REZONINGS:

5) **P16RZ00006 SOLAR H2O LEASING, LLC - E. TANQUE VERDE ROAD REZONING**

Request of **Solar H2O Leasing, LLC** represented by **JAS Engineering**, for a rezoning of approximately 1.68 acres at 11311 E. Tanque Verde Road from CR-1© (Single Residence - Conditional) zone to the CB-2 (General Business) zone, located on the north side of E. Tanque Verde Road approximately 1300 feet east of N. Tanque Verde Loop Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. (District 4)

ON MOTION, it was

Voted: To recommend **APPROVAL** subject to Standard and Special Conditions.

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. The property shall be limited to one access point as shown on the preliminary development plan.
 - B. The driveway shall be located as close to the eastern property boundary as possible.

4. Regional Flood Control District conditions:
 - A. Water conservation measures identified in the Preliminary Integrated Water Management Plan (PIWMP) shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these 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 at the time of development.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
5. Regional Wastewater Reclamation condition: The owner must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal system within the rezoning area at the time a development plan or request for building permit is submitted for review.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition: 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.
8. Adherence to the preliminary development plan as approved at public hearing.
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 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** (6 – 2; Commissioners Matter and Membrila voted **NAY**; Commissioners Bain and Gungle were absent)

6) **P16RZ00008 TITLE SECURITY AGENCY OF AZ TR T-203 - N. SANDARIO ROAD REZONING**

Request of **Title Security Agency of AZ TR T-203**, represented by **JAS Engineering** for a rezoning of approximately 6.73 acres from GR-1(GZ2)(BZ) (General Residence – Public Preserve Gateway and Buffer Overlay Zones) to the CB-1 (GZ2)(BZ) (Local Business – Public Preserve Gateway and Buffer Overlay Zones), located on the southeast corner of N. Sandario Road and W. Picture Rocks Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Rural Crossroads. (District 3)

ON MOTION, it was

Voted: To recommend **APPROVAL** subject to Standard and Special Conditions.

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. The property shall be limited to the access points shown on the preliminary development plan.
 - B. The property owner shall dedicate 10 feet of right-of-way for Picture Rocks Road.
4. Regional Flood Control District conditions:
 - A. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these 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 at the time of development.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.

5. Regional Wastewater Reclamation condition: The owner must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal system within the rezoning area at the time a development plan or request for building permit is submitted for review.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition: 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.
8. Natural Resources, Park and Recreation conditions:
 - A. Construct a 12-foot asphalt path in the Sandario Road right-of-way near the property line from the Picture Rocks Road to the southern property line.
 - B. Provide a four-foot decomposed granite trail in the bufferyards along Sandario Road and Picture Rocks Road.
 - C. Provide a four-foot decomposed granite trail near the property line along Picture Rocks Road.
9. Adherence to the preliminary development plan as approved at public hearing.
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.
11. 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 Bain and Gungle were absent)

COMPREHENSIVE PLAN AMENDMENTS

7) **P16CA00001 WONG FAMILY LP - N. THORNYDALE ROAD PLAN AMENDMENT**

Request of **Wong Family LP**, represented by **MJM Consulting, Inc.**, to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Low Intensity Urban (MLIU) and Neighborhood Activity Center (NAC) for approximately 18.30 acres located at the southeast corner of N. Thornydale Road and W. Overton Road, in Section 20, Township 12 South, Range 13 East, in the Tortolita Planning Area. (District 1)

Voted: To recommend **APPROVAL**.

The motion **PASSED** (8 – 0; Commissioners Bain and Gungle were absent)

8) **P16CA00002 WONG FAMILY LP - W. SUMTER DRIVE PLAN AMENDMENT**

Request of **Wong Family LP**, represented by **MJM Consulting, Inc.**, to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU-0.3) to Medium Low Intensity Urban (MLIU) for approximately 76.74 acres located on the south side of W. Sumter Drive, between N. Thornydale Road and N. Shannon Road, in Section 17, Township 12 South, Range 13 East, in the Tortolita Planning Area. (District 1)

Voted: To recommend **APPROVAL**

The motion **PASSED** (7 – 1; Commissioner Becker voted **NAY**; Commissioners Bain and Gungle were absent)

9) **P16CA00003 PALOMINO RANCH AT THE BEND LLC - E. RIVER ROAD PLAN AMENDMENT**

Request of **Palomino Ranch at the Bend LLC**, represented by **WLB Group, Inc.**, to amend the Pima County Comprehensive Plan from Resource Sensitive (RS) to Low Intensity Urban 3.0 (LIU 3.0) for approximately 20.53 acres located at the northwest corner of E. River Road and N. Sutton Lane, in Section 28, Township 13 South, Range 14 East, in the Catalina Foothills Planning Area. (District 1)

Request was **WITHDRAWN** by the applicant.

10) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.

Tom Drzazgowski; Deputy Chief Zoning Insp., gave dispositions of cases.

B) Commissioner Matter recommended all Commission members to write an autobiography in order to inform the community about their background.

Chris Poirier, Planning Official proposed a 3 or 4 - sentence paragraph to publish on Development Services website as public information.

11) **ADJOURNMENT**

Meeting was adjourned at 11:12 a.m. on motion by Commissioner Membrilla and seconded by Commissioner Matter.