



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 **JANUARY 11, 2017**
DATE: JANUARY 31, 2017

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

ABSENT

D1 Brad Johns, Vice-Chair
D4 William Matter
D2 Armando Membrila
D5 Bob Cook *arrived at 9:08 a.m.*
D5 Bruce Gungle
D3 Lynne Mangold
D3 Peter Gavin
D2 Barbara Becker

D4 Eddie Peabody, Jr., Chair
D1 Jodi Bain *left at 10:30 a.m.*

EIGHT MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Planning Official
Mark Holden, Principal Planner
Tom Drzazgowski, Chief Zoning Inspector
Celia Turner, Coordinator

Jeanette DeRenne, Principal Planner, DOT
Greg Saxe, Environmental Plan. Mgr., RFCD

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** November 30, 2016 checklist and consent agenda as presented by staff.

The motion **PASSED** (8 – 0; Commissioners Peabody and Cook were absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

TYPE III CONDITIONAL USE PERMITS

- 5) **P16CU00010 HUFFMAN TRUST – N. ANWAY RD.** Request of **Nancy Smith** with **Central States Towers (on behalf of Huffman Trust and Verizon Wireless)**, on property located at 11190 N. Anway Rd., in the RH Zone (Rural Homestead), 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 3)

ON MOTION, it was

Voted: To **CONTINUE** until February 22, 2017

The motion **PASSED** (9 – 0; Commissioner Peabody was absent).

- 6) **P16CU00011 ECO-SITE, INC. – N. ANWAY RD.** Request of **Mike Slotemaker with Cortel, LLC (on behalf of Eco-Site, Inc. and T-Mobile)**, on property located on parcels 208-26-1310 and 208-26-1320 located on N. Anway Rd., in the SH Zone (Suburban Homestead), 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 3)

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 Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the tower structure shall not be more than the requested eighty feet (80') and shall be camouflaged as a faux water tower of "old West" design and aesthetic.
2. The entire tower structure, including the supporting members the water tower "tank", shall be consistent in aesthetic with "old West" water tower design and aesthetic.
3. All associated cabling, etc. necessary to serve the antennae within the "tank" of the faux water tower shall be painted or otherwise treated so as to visually and aesthetically integrate into the faux water tower structure.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP). The security fencing will feature tan- colored slatting, inserted into the cyclone fencing, for screening purposes.

The motion **PASSED** (9 – 0; Commissioner Peabody was absent).

REZONING

7) **P16RZ00011 AJO CAMINO DE OESTE, LLC – W. AJO HY. REZONING**

Request of **Ajo Camino de Oeste, LLC** represented by **MJM Consulting Inc. (Mike Marks)** for a rezoning of approximately 34.13 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type) (7.24 acres) and CB-1 (Local Business) (9.02 acres) and TR (Transitional) (1.86 acres) and SR (Suburban Ranch) (16.01 acres) zone, on property located at the southeast corner of N. Camino de Oeste and W. Ajo Hy. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Community Activity Center (21.69 acres) and Medium Low Intensity Urban (12.44 acres). (District 5)

ON MOTION, it was

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

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

The owner shall:

Submit a development plan and subdivision as determined necessary by the appropriate County agencies

- A. Record the necessary development related covenants as determined appropriate by the various County agencies.
- B. Provide development related assurances as required by the appropriate agencies.
- C. 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.

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. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
 - B. The property shall be limited to 5 access points, two serving the commercial site on SR-86, two serving the commercial site on Camino de Oeste, and one access point serving the residential site on Camino de Oeste.
3. Regional Flood Control District condition:
 - A. Water conservation measures that provide 15 points per the Preliminary Integrated Water Management Plan methodology in place at the time of development shall be submitted by the applicant with the Site Construction Permit for approval by the Pima County Regional Flood Control District.
4. Regional Wastewater Reclamation conditions:
 - A. The owner (s) 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(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 PCRWR
 - 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 conditions: 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.
6. 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.
7. Natural Resources, Parks and Recreation conditions:
 - A. Construct Ajo Way Greenway G003 with a 30-foot buffer along Ajo Way for the multi-use path, a decomposed path being 15-foot width on the east property line to the wash and 20-foot width along Camino de Oeste to the wash, and a 20-foot path from the eastern boundary to western boundary between the commercial development and residential subdivision, using the Pima County Greenway cross-section details.
 - B. Construct a pedestrian link from the residential subdivision to the commercial development.
8. Adherence to the preliminary development plan as approved at public hearing.
9. The property is subject to both Gateway Overlay Zone and Buffer Overlay Zone.
10. No access is permitted from Avenida Paisano to the residential or commercial development.
11. The area rezoned to SR- shall remain natural as depicted on the Preliminary Development Plan (exclusive of the bank protection along the commercial and residential edges as well as the equestrian trail). The applicant shall provide adequate signage and barriers to restrict access to the natural area from the west and east. In addition, barriers
12. For development of retail stores in excess of 40,000 square feet as outlined in a development agreement recorded at Book 12939 Pages 7309-7306 shall be required. Should the development agreement be extinguished, this requirement would not apply.
13. During the development plan process, the applicant shall contact Tucson Unified School District concerning the provision of adequate space for safe bus stops, bus turnarounds and pedestrian access to the appropriate schools.
14. 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.

15. 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. RS. § 12-1134(1)."

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

ZONING CODE TEXT AMENDMENT

- 8) **INITIATION OF ZONING CODE TEXT AMENDMENT – FOOD ACCESS**
STAFF REQUESTS THAT THE PLANNING AND ZONING COMMISSION AUTHORIZE AND INITIATE REVISIONS TO THE PIMA COUNTY ZONING CODE TO INCREASE AND IMPROVE ACCESS TO HEALTHY AND AFFORDABLE FOOD. THE 2015 PIMA COUNTY COMPREHENSIVE PLAN UPDATE, PIMA PROSPERS, INCLUDES A SECTION ON FOOD ACCESS THAT SEEKS TO ENHANCE LOCAL PRODUCTION, PROCESSING, AND AFFORDABLE DISTRIBUTION OF HEALTHY FOOD AS AN ELEMENT OF CREATING AND SUSTAINING A HEALTHY COMMUNITY. SECTION 18.01.070(B)(1) OF THE PIMA COUNTY ZONING CODE STATES THE BOARD OF SUPERVISORS OR THE PLANNING AND ZONING COMMISSION IS RESPONSIBLE FOR THE INITIATION OF CODE AMENDMENTS.

ON MOTION, it was

Voted: To **APPROVE** Initiation of zoning code text amendment – food access.

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

- 9) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.
Chris Poirier, Planning Official, gave dispositions of cases.

- 10) **ADJOURNMENT**

Meeting was adjourned at 10:46 a.m. on motion by Commissioner Cook seconded by Commissioner Gungle.