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# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

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TO: Chairman and Members, Pima County Planning and Zoning Commission  
FROM: Chris Poirier, Executive Secretary  
RE: Pima County Planning and Zoning Commission Hearing of **MARCH 29, 2017**  
DATE: MARCH 31, 2017  
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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.

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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., 1<sup>st</sup> Floor, Tucson, AZ

1) **ROLL CALL:**

**PRESENT**

D1 Brad Johns, Vice-Chair  
D4 William Matter  
D2 Armando Membrila  
D5 Bruce Gungle  
D3 Lynne Mangold  
D3 Peter Gavin  
D2 Barbara Becker  
D5 Bob Cook

**ABSENT**

D4 Eddie Peabody, Jr., Chair  
D1 Jodi Bain

**NINE MEMBERS PRESENT**

**ALSO PRESENT**

Chris Poirier, Planning Official  
Mark Holden, Principal Planner  
Tom Drzazgowski, Chief Zoning Inspector  
David Petersen, Senior Planner  
Terri Tillman, Senior Planner  
Celia Turner, Coordinator

Jeanette DeRenne, Principal Planner, COT  
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** February 22, 2017 checklist, consent agenda and Department report as presented by staff.

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

4) **CALL TO THE AUDIENCE**

No one spoke.

**MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS (CONTINUED FROM FEBRUARY 22, 2017 MEETING)**

5) **Co9-76-45 ESTES – INA ROAD REZONING**

Request of **Christopher** and **Carlee Korinek** for a modification (substantial change) of a rezoning condition which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site. The subject lot is 19,752 square feet and is proposed to be split into two parcels of approximately 8,925 and 10,827 square feet. The lot is zoned CR-3 and is located on the west side of Paul Revere Place, approximately 500 feet north of Liberty Tree Lane and 1,400 feet southwest of the intersection of Magee Road and Cortaro Farms Road. (District 1)

ON MOTION, it was

Voted: To **RECOMMEND APPROVAL** subject to standard and special conditions as presented in the staff report as follows:

1. Larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site and a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road. Lot 517 of Heritage Hills II may be split into two parcels of approximately 8,925 and 10,827 square feet.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. General adherence to the sketch plan as approved at public hearing.
4. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.

5. 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 area, no more than 90 days before submitting any 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 PCRWRD.
6. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
7. The owner(s) shall connect all development within the plan 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 development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
8. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area, in the manner specified at the time of review of the development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
9. 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.

The motion also included direction for staff to formulate additional conditions from the March 22, 2017 letter submitted by the applicant pertaining to Item #1 for exterior building materials and earth tone colors, Item #2 for a temporary construction fence then a permanent slump block wall, Item #4 for height restrictions as listed, and Item #5 for ranch style and orientation of the proposed residence.

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

### REZONING

- 6) **P17RZ00001 HAYT TR – S. LA CANADA DRIVE #3 REZONING**  
Request of **Lester and Suzanne Hayt Tr** represented by **Green Valley Recreation, Inc.**, for a rezoning of approximately 2.11 acres from the CB-1(Local Business) zone to the CB-2 (General Business) zone, on property addressed as 333 W. Paseo Del Prado located at the southeast corner of S. La Canada Drive and W. Paseo Del Prado. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Community 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. 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 PCRWRD.
  - 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.
4. 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.

5. Cultural Resources conditions:
  - A. 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.
  - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
6. Adherence to the preliminary development plan as approved at public hearing.
7. 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.
8. 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.R.S. § 12-1134(I)."

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

### **COUNTY INFILL INCENTIVE DISTRICTS**

- 7) **INITIATION OF COUNTY INFILL INCENTIVE DISTRICTS**

Staff requests that the Planning and Zoning Commission authorize and initiate County infill incentive districts per Arizona Revised Statutes §11-254.06. The 2015 Pima County Comprehensive Plan Update, Pima Prospers, includes a Focused Development Investment Areas element that seeks to develop, implement, and adopt effective infill, redevelopment, and revitalization in stressed areas by establishing County Infill Incentive Districts. Infill incentive plans for identified districts will be approved by Board of Supervisors Resolution. Implementation Measure 3.2 (2) (a) of Pima Prospers states the Development Services Department is responsible for identifying strategies for incentivizing infill development.

ON MOTION, it was

Voted: To **APPROVE** initiation.

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

8) **NEW BUSINESS**

- A) Board of Supervisors disposition of cases.  
Tom Drzazgowski, Chief Zoning Inspector, gave dispositions of cases.

9) **ADJOURNMENT**

Meeting was adjourned at 10:00 a.m. on motion by Commissioner Gungle seconded by Commissioner Matter.