



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 **MARCH 30, 2016**
DATE: March 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., Vice-Chair
D4 William Matter
D2 Armando Membrila
D2 Randall R. Holdridge
D1 Jodi Bain
D3 Lynne Mangold
D1 Brad Johns
D3 Peter Gavin

ABSENT

D5 Jenny Neeley, Chair
D5 Bob Cook

EIGHT MEMBERS PRESENT

ALSO PRESENT

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

Ann Moynihan, Civil Engineering Mgr., RFC
Jeanette DeRenne, Principal Planner, DOT
Sherry Ruther, Env. Planning Mgr.

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

To **APPROVE** the amended January 27, 2016 checklist, which Staff Re-evaluated the motion on Item #5 Co9-15-05 JT RP LLC – EAST EAGLE FEATHER ROAD (EASEMENT) REZONING, and To **APPROVE** February 24, 2016 checklist and consent agenda as well.

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

4) **CALL TO THE AUDIENCE**

No one spoke.

REZONINGS FOR PUBLIC HEARING:

5) **Co9-15-04 LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING**

Request of **Landmark Title TR 18109**, represented by **The WLB Group**, for a rezoning of approximately 77.9 acres from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone, on property located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-13-10. (District 3)

ON FIRST MOTION, it was to **APPROVE** subject to standard and special conditions as amended by the Coalition for Sonoran Desert Protection and revised by staff (as reflected in staff's memo) and to delete Lots 12, 13, 26, and 27 as requested by the Tucson Mountains Association in their letter dated March 29, 2016.

A substitute motion was made and accepted to **APPROVE** subject to standard and special conditions as amended by the Coalition for Sonoran Desert Protection and revised by staff (as reflected in staff's memo).

ON SUBSTITUTE MOTION, it was

Voted: To **APPROVE** per staff's memorandum, as follows:

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. The owner shall adhere to the preliminary development plan as approved at public hearing, with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.
 4. Transportation conditions:
 - A. The property shall be limited to two access points as indicated on the preliminary development plan.
 - B. The eastern access point shall align with the access point on the north side of Sunset Road.
 5. Flood Control conditions:
 - A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
 - C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
 - D. Development shall meet Critical Basin detention requirements.
 - E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.
 - F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.
 - G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.
 6. Environmental Planning conditions:
 - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS Off-site Mitigation Policies

(Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and
 - Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.
- B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.
- C. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

7. 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.

8. 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(l)."
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. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.
12. In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 feet or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.
13. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
14. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.
15. Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.
16. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.
17. Perimeter lot fencing within the designated natural open space is prohibited.

The motion **PASSED** (5 – 2 - 1; Commissioners Matter and Membrilla voted Nay, Commissioner Mangold **ABSTAINED**; Commissioners Neeley and Cook were absent).

6) **P16RZ00002 TOLANO – W. ILLINOIS STREET REZONING**

Request of **Jaime and Sonia Tolano** for a rezoning of approximately 4.06 acres from the SR (Suburban Ranch) zone to the SH (Suburban Homestead) zone, on property located at the northeast corner of Illinois Street and Fred Avenue, approximately 1/3 of a mile northwest of Ajo Highway. The proposed rezoning conforms to the Pima Prosper (Pima County Comprehensive Plan), which designates the property for Low Intensity Urban -3.0 (LIU-3.0). (District 3)

ON MOTION, it was

Voted: To **APPROVE** as follows: An amendment to revise Condition 8 to read “Adherence to the Sketch Plan with note indicating 1 (one) residential unit per 1 (one) lot as approved at public hearing”.

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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
 - A. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. The property shall be limited to three access points as shown on the Sketch Plan.
 - C. Only once access point will be permitted on Illinois Street.
7. Wastewater Reclamation conditions:
 - A. The owner/developer 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/developer to that effect.
 - B. The owner/developer 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/developer 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/developer 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/developer 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/developer 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/developer 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.
8. Adherence to the Sketch Plan with note indicating 1 (one) residential unit per 1 (one) lot as approved at public hearing.
 9. 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.
 10. 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)."
 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.

The motion **PASSED** (8 – 0)

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

- 7) **Co9-01-01 PIMA COUNTY – CANOA RANCH REZONING**
Request of **Landmark Title TR 18273-T, et al.**, represented by **Frank Thomson & Associates, LLC**, for a modification (substantial change) of the following rezoning conditions:
 - #6 which requires Board of Supervisors' written approval for further lot splitting or subdividing. The applicant requests to modify the condition to apply only to residential development.
 - #16G which, in part, limits building heights of development east of Interstate 19 to 30 feet and one story, with described and referenced exceptions for hospital and related medical buildings located on the southern portion of Block 36 of the Canoa Ranch Subdivision (Book 54, Page 74). The applicant requests to modify the condition to allow construction of two and three story buildings greater than 30 feet in height on portions of the site in accordance with Pima County Zoning Code allowances and exceptions.

The subject site is northern portion of Canoa Ranch Block 36 and is approximately 29.09 acres zoned CB-2 located on the east side of S. I-19 Frontage Road, approximately 1,600 feet south of W. Via Rio Fuerte. (District 4)

ON MOTION, it was

Voted: To **APPROVE** the request to modify rezoning condition #'s 6 and 16G for the northerly 29.9 acres of the CB-2-zoned Canoa Ranch Block 36. Modification of condition #6 will allow the requirement for Board of Supervisors approval of further lot splits to apply to residential uses only. Modification of condition #16G will allow building heights to exceed 30 feet and one story by allowing a range of building heights and stories up to a maximum of 39 feet at the highest point, including architectural features, and up to three stories. New condition #16L ensures general adherence to the locations and mass of the proposed buildings in relation to the requested building heights and stories. The modified conditions are as follows:

6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors, except that for the northern 29.09 acres of Canoa Ranch Block 36, this condition only applies to residential development.

16. Development and Design Requirements:

* * *

G. Residential building height is restricted to 24 feet, excepting existing buildings 5, 8, and 12 as shown on the P1207-031, Lodge at Canoa Development Plan approved by the Pima County Subdivision and Development Review Committee on January 15, 2008, which are allowed to be 39 feet in height. ~~The building height of development east of Interstate 19 is restricted to 30 feet and one story except for~~ Building heights for the hospital and related medical buildings located on the southern portion of Block 36 of the Canoa Ranch Block Subdivision Plat Map (Book 54 and Page 74). Height will shall be measured as per Section 18.07.050.H (General Regulations and Exceptions) in accordance with Section 18.45.050 (CB-2 General Business Zone) of the Pima County Zoning Code and shall adhere to the depicted and described preliminary site plan as presented at public hearing, except that, the maximum height of the hospital architectural feature/cupola is 50 feet. Building heights and number of stories for the northern 29.09 acres of Block 36 of Canoa Ranch (Book 54, Page 74) shall adhere to heights and stories depicted and listed for the buildings shown on the Concept/Phasing Plan as presented at public hearing.

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L. General adherence to the Concept/Phasing Plan as presented at public hearing for the northern 29.09 acres of Block 36 of Canoa Ranch (Book 54, Page 74).

The motion **PASSED** (8 – 0)

8) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.

Chris Poirier, Planning Official, provided disposition of cases.

9) **ADJOURNMENT**

Meeting was adjourned at 11:26 a.m. on motion by Commissioner Peabody.