



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 **November 26, 2014**
DATE: November 28, 2014

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

Jenny Neeley, Chair
Eddie Peabody, Jr., Vice-Chair
Bonnie Poulos
Randall R. Holdridge
Lynne Mangold
Brad Johns

ABSENT

Bob Cook
Jodi Bain
William Matter
Armando Membriola

SIX MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
David Petersen, Senior Planner
Celia Turner, Coordinator

Greg Saxe, Environmental Plan. Mgr., RFCD

- 2) **PLEDGE OF ALLEGIANCE**
- 3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**
 - A) **B-123 APPROVAL OF OCTOBER 29, 2014 CHECKLIST**
 - B) **B-218 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 **CARRY** October 29, 2014 checklist and the Consent Agenda until January 28, 2015. B-128 Monthly reports were not available.

The motion **PASSED** (6 – 0; Commissioners Matter, Membrilla, Cook and Bain were absent).

REZONINGS

- 4) **Co9-14-09 LIN JIAHORNG AND CHIHUA WU REVOCABLE TR. – W. RIVER ROAD REZONING**

Request of the Lin Jiahong and Chihua Wu Revocable Tr., represented by the WLB Group, for a rezoning of approximately 2.3 acres from the CR-4 (Mixed Dwelling Type) zone to the CB-1 (Local Business) zone for an expansion of the existing shopping center located at the northeast corner of River and Oracle Roads . The property is located on the north side of W. River Road approximately 350 feet east of N. Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center. (District 1)

ON MOTION, it was

Voted: To **APPROVE** subject to Standard and Special Conditions:

- 1 The property owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provision of development related assurances as required by the appropriate agencies.
 - D. 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.
- 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 Traffic Impact Study shall be submitted for review and approval by the Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner/developer.
 - B. The property owner/developer shall provide the following offsite improvements to River Road
 - a. Expansion or redesign of the right turn lane on westbound River Road
 - b. Closing the existing curb cut on River Road as shown on the PDP.
 - C. 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.
 - D. The property shall be limited to 1 access points located on River Road as shown on the preliminary development plan.
 - E. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
4. Regional Flood Control District Conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. These requirements shall be made a condition of the Site Construction Permit.
 - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development.
5. 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.

6. Cultural Resources Condition: In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
7. Adherence to the preliminary development plan as approved at public hearing, however per Policy S-2 no building shall exceed 24 30 feet in height. Per Rezoning Policy 122 the buildings shall be constructed with four-sided architecture, and direct pedestrian access shall be provided for property to the east in addition to any required sidewalk along River Road.
8. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 current any future 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.
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(l)."

The motion **PASSED** (6 – 0; Commissioners Matter, Membrila, Cook and Bain were absent).

5) **Co9-14-13 TOMBO51, LLC – N. ORACLE ROAD REZONING**

Request of TOMBO51, LLC, represented by Jeffery A. Stanley, P.E., for a rezoning of approximately 0.61 acres from the GR-1 (GZ-1) (Rural Residential - Urban Gateway Overlay) zone to the CB-1 (GZ-1) (Local Business - Urban Gateway Overlay) zone, on property located in Catalina on the west side of N. Oracle Road, approximately 230 feet south of E. Pinal Street. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor. (District 1)

ON MOTION, it was

Voted: To **APPROVE** 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 a covenant holding Pima County harmless in the event of flooding.
 - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - D. Provide development related assurances as required by the appropriate agencies.
 - E. 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. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services prior to the approval of a development plan for this site.
 - B. The owner(s) shall provide offsite improvements if determined necessary by the Arizona Department of Transportation.
 - C. Shared access with the property to the south shall be provided as shown on the sketch plan.
4. Flood Control condition:

First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
5. 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 have 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.
- 6. Adherence to the sketch plan as approved at public hearing.
 - 7. 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.
 - 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(I)."
 - 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.

The motion **PASSED** (6 – 0; Commissioners Matter, Membrila, Cook and Bain were absent).

4) **NEW BUSINESS**

- A) Board of Supervisors disposition of cases.

Arlan Colton, Planning Director gave a summary on Board of Supervisors disposition of cases. Arlan also commented on the 2015 Comprehensive Plan Amendment Study Session to be scheduled in January.

5) **CALL TO THE AUDIENCE**

No one from the audience spoke.

6) **ADJOURNMENT**

Meeting was adjourned at 9:45 a.m. on motion by Commissioner Peabody, seconded by Commissioner Poulos.