



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 **October 28, 2015**

DATE: October 30, 2015

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

D4 Eddie Peabody, Jr., Vice-Chair
D4 William Matter
D2 Randall R. Holdridge
D2 Armando Membrilla
D3 Lynne Mangold
D1 Brad Johns
D1 Jodi Bain
D3 Peter Gavin

ABSENT

D5 Jenny Neeley, Chair
D5 Bob Cook

EIGHT MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Mark Holden, Principal Planner
Sue Morman, Senior Planner
Donna Spicola, Planner
Celia Turner, Coordinator

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

Voted: To **APPROVE** September 30, 2015 checklist and the Consent Agenda.

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

4) **CALL TO THE AUDIENCE**

No one spoke.

REZONING FOR CONTINUED PUBLIC HEARING

5) **Co9-15-05 JT RP LLC – EAST EAGLE FEATHER ROAD (EASEMENT) REZONING**

Request by **JT RP LLC**, represented by **Kathy Gormally**, for a rezoning of approximately 3.81 acres from SR (Suburban Ranch) Zone to CR-1 (Single Residence) Zone on property located approximately 800' east of Bear Canyon Road on the south side of East Eagle Feather Road (Easement). The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 4)

ON MOTION, it was

Voted: To CONTINUE until January 27, 2016.

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

REZONINGS FOR PUBLIC HEARING

6) **P15RZ00006 – SCHOCKET - INA ROAD REZONING #2**

Request of **Evis Schocket**, represented by **Michael Marks MJM Consulting, Inc.**, for a rezoning of approximately 7.37 acres from the CR-1 (Single Residence) zone to TR (Transitional) zone, on property located at the southeast corner of North First Avenue and East Ina Road. The proposed rezoning conforms to the Pima County Comprehensive Plan - Pima Prospers (Co7-13-10) which designates the property for Medium Intensity Urban (MIU). (District 1)

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:

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 without the written approval of the Board of Supervisors.
6. Adherence to the preliminary development plan as approved at public hearing.
7. Adherence to Rezoning Policy RP-12, which includes:
 - A. Landscaping buffers are promoted between the higher-intensity development area and the existing neighborhoods.
 - B. Building height shall be limited to one story, not to exceed 24 feet.
 - C. Development will be limited to office uses.
 - D. Architectural design, materials, signage and colors shall be such that they blend with the natural desert landscape and topography of the area.
8. Transportation condition:
 - A. The property shall be limited to 3 access points as indicated on the preliminary development plan.
9. Flood Control conditions:
 - A. 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.
 - B. Floodplain and Erosion Hazard Setbacks shall be contained in permanently identified open space through easement or dedication.
 - C. 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 shall be submitted to the District for review and approval at the time of development.
 - D. A Pre-Annexation & Development Agreement for provision of service by Tucson Water is required.
10. 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.
11. Environmental Planning condition:
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.
12. Cultural Resources conditions:
- A. Submit the associated archaeological survey document to Pima County Cultural Resources prior to development of the parcel.
 - B. A caution must be noted concerning human burials: archaeological clearance recommendations do not exempt the development from compliance with State burial protection laws. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

13. 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)."
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. There will be no urgent care office facilities onsite.
16. After-hours security lighting and all lighting will comply with Pima County dark sky ordinance.

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

7) P15RZ00007 ESTATE OF EMILY STOWELL STRATTON – W. ANKLAM ROAD REZONING

Request of **David Stowell and Gloria Stowell Hastie Stueland**, for a rezoning of approximately 1.0 acres from the SR (BZ) (Suburban Ranch - Buffer Overlay) zone to the CR-1 (BZ) (Single Residence - Buffer Overlay) zone, on property located approximately three-quarters of a mile southeast of W. Speedway Boulevard and W. Anklam Road intersection and approximately 750 feet south of W. Anklam Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-13-10 (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:

1. The owner shall:
 - A. Submit a sketch 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 without the written approval of the Board of Supervisors.
3. Maximum building height restriction of 24 feet as measured in accordance with the Pima County Zoning Code.
4. Adherence to the sketch plan as approved at public hearing.

5. Hillside Development Overlay Zone Natural Area shall coincide with the Conservation Land System Natural Open Space to be dedicated prior to permitting.
6. Adherence to color requirements of exposed walls, structures and roofs, and construction of fences and walls under the Buffer Overlay Zone.
7. Flood Control condition:
Driveway drainage design shall be reviewed by the Regional Flood Control District and Pima County Department of Transportation prior to permitting.
8. Wastewater Reclamation condition:
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 building permit is submitted for review.
9. 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
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; Commissioners Holdridge abstained (abstention counts as **YES** vote) Commissioners Neeley and Cook were absent).

CODE TEXT AMENDMENT FOR PUBLIC HEARING

- 8) **Co8-15-02 WALLS, FENCES AND HOME OCCUPATIONS**
Proposal to amend by ordinance the Pima County Zoning Code Title 18, Section 18.03 to revise the definition of a structure to exempt walls and fences with a height of 84 inches or less from permit requirements, and to amend Section 18.09 General Residential and Rural Zoning Provisions to revise the Home Occupations section to align it with changes in the Arizona State Statutes. (All districts)

ON MOTION, it was

Voted: To CONTINUE until early 2016 (no date certain).

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

CODE TEXT AMENDMENT FOR INITATION

9) INITIATION OF ZONING CODE TEXT AMENDMENT – ELIMINATION OF 30’ STREET SETBACK REQUIREMENT

Staff requests that the Planning and Zoning Commission authorize and initiate a revision to the Pima County Zoning Code, Chapter 18.77 Roadway Frontage Standards to delete or reduce the requirement for an additional 30’ setback for Major Streets and Routes, as designated on the Major Streets and Scenic Route Plan (Co14-14-02). This text amendment would implement Goal 1, Policy 6 of the Pima County Comprehensive Plan (Pima Prospers) Transportation Element.

ON MOTION, it was

Voted: To APPROVE Initiation as proposed by staff.

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

10) NEW BUSINESS

A) Board of Supervisors disposition of cases.

Arlan Colton, Planning Director, provided disposition of cases.

B) Expiration of trial agenda placement as Item#4 of “Call to the Audience “.

ON MOTION, it was

Voted: To KEEP “Call to the Audience” as Item #4 permanently.

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

11) ADJOURNMENT

Meeting was adjourned at 12:18 p.m. on motion by Commissioner Membrila, seconded by Commissioner Gavin.