



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 29, 2014
DATE: October 31, 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
William Matter
Randall R. Holdridge
Armando Membrila
Lynne Mangold
Brad Johns

ABSENT

Bob Cook
Jodi Bain

EIGHT MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Mark Holden, Senior Planner
Terri Tillman, 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 SEPTEMBER 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 **APPROVE** September 29, 2014 checklist and the Consent Agenda. B-128 Monthly reports were not available.

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

REZONING

4) **Co9-14-12 JANICEK – SOUTH HOUGHTON ROAD REZONING**

Request of Jay and Marjorie Janicek, represented by SDG Architecture, LLC, for a rezoning of approximately 2.1 acres at 16461 S. Houghton Road from the TR (Transitional) zone to the CB-1 (Local Business) zone. The proposal is for expansion of the existing uses on site, to include a restaurant, dance school, and retail store. The property is Lot 31 of New Tucson Unit No. 4 subdivision (Book 17 and Page 50) located at the northeast corner of Houghton Road and Vista Monte Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property CAC (Community Activity Center). (District 4)

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 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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and east. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
 - B. The development is limited to the access shown on the preliminary development plan, subject to approval of the driveway location by the Subdivision and Development Street Standards Modification Committee.

4. Regional Flood Control District conditions:
 - A. Prior to development the property owner shall submit to the Pima County Regional Flood Control District for review and approval; a drainage report documenting compliance with the Lee Moore Wash Basin Management Study including Development Standards and to determine basin sizing, maximum encroachment limits, building sites, elevations and setbacks.
 - B. Due to existing flooding problems, the development shall meet Critical Basin detention and retention requirements.

5. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 shall complete the construction of all necessary public and/or private 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 preliminary development plan as approved at public hearing including the uses and square footage of the restaurant, dance school, and retail.
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 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(I)."
9. Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(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) shall record a covenant, to run with the land, memorializing the terms of this condition.

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

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

5) **Co9-00-12 READ – ORACLE ROAD REZONING**

Request of T. Read Holdings, LLC, represented by Bruce Read, for a modification (substantial change) of rezoning condition (#10) to allow additional limited uses on the site. Condition #10 restricts uses on the site to a tea room, café which is comparable in type, scale and intensity, or a single detached residence. The applicant proposes the following commercial / retail uses on the site in addition to tea room / café: apparel store; art gallery or store; beauty shop / salon; florist shop; gift, curio or novelty shop; interior decorator; jewelry store; business, professional or semi-professional office; or, Pilates / yoga studio. The subject property is zoned CB-1 (Local Business Zone) and located northeast of the intersection of N. Oracle Road and N. Genematas Drive. (District 1)

ON MOTION, it was

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

1. Submittal a development plan as determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. No direct access to Oracle Road shall be permitted. Only one (1) access point to Genematas Drive shall be allowed. The location and design of the access point shall be subject to approval by Pima County Department of Transportation prior to any plan approvals.
 - B. Property owner(s) shall provide any necessary access improvements to Genematas Drive as determined during the development review process.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide any necessary drainage related improvements that are needed as a result of the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
9. Wastewater Management conditions:
 - A. The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.
 - B. If the connection is made to the public sewer, the property owner or his agent must construct a public sewer extension to serve this rezoning. The public sewer extension must be completed, inspected and released for service prior to the issuance of any building permits.

10. Commercial uses on the site will be restricted to the following: tea room / café; apparel store; art gallery or store; beauty shop / salon; florist shop; gift, curio or novelty shop; interior decorator; jewelry store; business, professional or semi-professional office; or, Pilates / yoga studio. Any other uses on the site will require, at a minimum, a public hearing before the Board of Supervisors. Adherence to the revised sketch plan as approved at public hearing, including depicted augmentation of natural areas. Uses are restricted to a tea room, café which is comparable in type, scale and intensity, or a single detached residence. Any further change in use is a substantial change which first shall require a Comprehensive Plan amendment to Neighborhood Activity Center.
11. The ~~tea room~~ building shall maintain a residential appearance. The proposed project shall be reviewed and approved by the Design Review Committee relative to building material, colors, and architectural design, project layout including location and screening of trash receptacles, landscaping, and all aspects of signage.
12. Hours of operation 6 A.M. to 10 P.M. Occasional special events may last until 12 A.M.
13. There shall be no liquor license associated with use of the site.
14. There shall be no amplifiers or public address system allowed; no excessive noise or sound beyond the site.
15. Lighting shall not be directed toward the residential lots.
16. Any large outdoor trash receptacle, such as a dumpster shall be fully screened and located in the parking area. Small household-type outdoor trash containers shall be fully screened and located on the north side of the building and shall have covers and not be stored at curb-side for trash pick-up for more than a 24-hour period.
17. Building heights are limited to a maximum of 24 feet and two stories.
18. Freestanding business-related signage is limited to one sign along the Oracle Road frontage. Prior to issuance of a certificate of occupancy for use of the site, the existing billboard shall be removed. The residential entryway sign and associated rock and masonry planter and pillar shall either be removed from the road right-of-way or may remain in place under a license agreement subject to the concurrence of the Pima County Department of Transportation. The residential entryway sign and associated rock and masonry planter and pillar may be moved and reassembled (no closer than 15 feet from the edge of pavement for Genematas Drive) after being approved by the design review committee for designation as a historic landmark sign per section 18.79.060.f. The residential entryway sign and associated rock and masonry planter and pillar must be removed, licensed for its existing location, or relocated prior to issuance of a certificate of occupancy.

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

6) **NEW BUSINESS**

- A) Board of Supervisors disposition of cases.

Arlan Colton, Planning Director gave a summary on Board of Supervisors disposition of cases.

- B) Setting of dates for possible Commission Hearings for the Comprehensive Plan update during February 2015.
a. Wednesday, February 18, 2015?

Staff noted that it was planning on scheduling two public hearing dates in February 2015, February 18 and our regular meeting on February 25, 2015. Enough Commissioners indicated they could attend on February 18 to constitute more than a quorum.

- C) Pima Prospers update

At the October 7, 2014 Board of Supervisors meeting, staff briefed the Board of Supervisors on the plan. Staff provided hard copies to all Pima County Libraries. The website is up at www.PimaProspers.com, and public speaking engagements are being scheduled.

7) **CALL TO THE AUDIENCE**

No one from the audience spoke.

8) **ADJOURNMENT**

Meeting was adjourned at 9:28 a.m. on motion by Commissioner Matter, seconded by Commissioner Membrila.