



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 **September 24, 2014**

DATE: September 30, 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
Armando Membriila
Bob Cook
Lynne Mangold
Jodi Bain
Brad Johns

ABSENT

William Matter

NINE MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Mark Holden, Senior Planner
Donna Spicola, Planner
Artemio Hoyos, Planner
Celia Turner, Coordinator

Jeannette DeRenne, Principal Planner, DOT
Greg Saxe, Environmental Plan. Mgr., RFCD

- 2) **PLEDGE OF ALLEGIANCE**
- 3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**

A) B-123 APPROVAL OF AUGUST 27, 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** August 27, 2014 checklist and the Consent Agenda. B-128 Monthly reports were not available.

The motion **PASSED** (9 – 0; Commissioner Matter was absent)

COMPREHENSIVE PLAN AMENDMENT AND REZONING (CONTINUED FROM AUGUST 27, 2014 HEARING) FOR PUBLIC HEARING

- 4) **Co7-14-07 Co9-14-08 PRD INVESTMENTS, LLC – N. HOUGHTON ROAD CONCURRENT COMPREHENSIVE PLAN AMENDMENT AND REZONING**

Request of PRD Investments, LLC, represented by The WLB Group, Inc., for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU 1.2) and to rezone from SR (BZ)(Suburban Ranch) (Buffer Overlay) to CR-1 (BZ) (Single Residence) (Buffer Overlay) zone on approximately 0.92 acres. The property is located approximately three-fourths of a mile north of Snyder Road at the end of North Houghton Road in Section 14, Township 13 South, Range 15 East, in the Catalina Foothills Subregion. (District 1)

ON MOTION, it was

Voted: To **APPROVE Co7-14-07** subject to a rezoning policy:

- A. The maximum height of the single family residence is 24 feet as measured in Section 18.03.020.B.7 of the Pima County Zoning Code.

The motion **PASSED** (9 – 0; Commissioner Matter was absent).

ON MOTION, it was

Voted: To **APPROVE Co9-14-08** 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. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
3. The maximum height of the single family residence is 24 feet as measured in Section 18.03.020.B7 of the Pima County Zoning Code.
4. Adherence to the sketch plan as approved at public hearing.
5. Transportation conditions:
 - A. The owner shall file an application for abandonment of public right-of-way for Houghton Road (book 4918, page 77) from the property line of the rezoning site to the easement approximately 1,200 feet south. Once abandoned, the land shall be incorporated into the site and serve as the private driveway for the rezoning site.
 - B. The owner shall record a 15-foot pedestrian access easement along the north and east property boundaries to provide pedestrian connectivity between the surrounding subdivisions.
6. Upon the effective date of the Ordinance, 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 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.
7. Wastewater conditions: At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
 - A. Propose that all new development within the rezoning area will connect to the public sewer system, or
 - B. Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
8. 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.
9. 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)."

The motion **PASSED** (9 – 0; Commissioner Matter was absent).

NEW COMPREHENSIVE PLAN AMENDMENTS FOR PUBLIC HEARING

- 5) **Co7-14-04 GAROLD C. BROWN FAMILY LTD. PARTNERSHIP – S. HOUGHTON ROAD PLAN AMENDMENT**
 Request of **Garold C. Brown Family Ltd. Partnership**, represented by **Projects International, Inc.**, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Medium Intensity Urban (MIU) and Neighborhood Activity Center

(NAC) for approximately 12.27 acres located on the east side of S. Houghton Road, approximately 1,700 feet south of the intersection of S. Houghton Road and E. Golf Links Road, in Section 25, Township 14 South, Range 15 East, in the Rincon Southeast / Santa Rita Subregion. (District 4)

ORIGINAL MOTION, it was

Voted: To **DENY** the request.

The motion **DID NOT PASS**.

SUBSTITUTE MOTION, it was

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

Staff recommended the following Comprehensive Plan Rezoning Policy for this amendment request:

- The Preliminary Development Plan submitted with the rezoning application shall demonstrate avoidance of regulatory floodplains and Important Riparian Area

The motion **PASSED** (6 – 3; Commissioners Poulos, Holdridge and Neeley voted **NAY**, Commissioner Matter was absent).

6) Co7-14-06 ESTATE OF EMILY STOWELL STRATTON - W. ANKLAM ROAD PLAN AMENDMENT

Request of David Stowell, Executor, represented by Gloria Stowell Hastie Stueland, to amend the Pima County Comprehensive Plan from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU 1.2) on Pima County Tax Code Parcel # 116-08-007D. This parcel consists of 1.0 acre 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, in Section 7, Township 14 South, Range 13 East, in the Tucson Mountains/Avra Valley Subregion. The Parcel has no assigned address. (District 5)

ON MOTION, it was

Voted: To **DENY** the Comprehensive Plan request from Resource Transition (RT) to Low Intensity Urban 1.3 (LIU 1.3) and **APPROVE** a Rezoning Policy to allow a rezoning to CR-1 in accordance with staff's recommendations as follows:

- A. Notwithstanding the zoning districts and range of residential density allowed under the Resource Transition (RT) planned land use intensity category, a rezoning to CR-1 for a single family residence shall be deemed in conformance with the Comprehensive Plan.
- B. Concurrent with an application for rezoning, the property owner shall provide information evidencing compliance with the Hillside Development Overlay Zone

Slope Density requirements (Section 18.61.052) or shall submit a request for a Slope Density Exception.

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

UNADVERTISED ZONING PLAN WAIVER OF PLATTING REQUIREMENTS FOR PUBLIC HEARING

7) Co9-14-10 ARTHUR NAIMAN LIVING TRUST – N ROCK CANYON ROAD EASEMENT REZONING (CATALINA FOOTHILLS ZONING PLAN WAIVER OF PLATTING REQUIREMENTS)

Request of Arthur Naiman Living Trust for a waiver of the platting requirements of the Catalina Foothills Zoning Plan. The applicant requests the waiver on approximately 3.40 acres from the SR Suburban Ranch Zone to the CR-1 Single Residence Zone on property located approximately three-quarters of a mile southwest of N. Kolb Road and E. Sunrise Drive. The proposed waiver substantially conforms to the Catalina Foothills Zoning Plan (Co13-59-04). (District 1)

ON MOTION, it was

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

1. The property owner shall:
 - A. Record the necessary development-related covenants as determined appropriate by the various County agencies.
 - B. Provide development-related assurances as required by the appropriate agencies.
 - C. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to 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. Access shall be located as depicted on the sketch plan submitted with the application.
4. 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.
5. The property owner shall adhere to the sketch plan as approved at public hearing.
6. 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.
7. 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** (9 – 0; Commissioner Matter was absent).

STUDY SESSION – COMPREHENSIVE PLAN

8) Co7-13-10 PIMA COUNTY COMPREHENSIVE PLAN UPDATE

Staff will provide a formal status report on the draft of Pima Prospects and upcoming schedule for the plan. (All Districts)

Arlan Colton; Pima County Planning Director, gave a power point presentation with details about Co7-13-10 Pima County Comprehensive Plan update.

9) NEW BUSINESS

A) Board of Supervisors disposition of cases.

Chris Poirier, Assistant Planning Director gave a summary on Board of Supervisors disposition of cases.

10) CALL TO THE AUDIENCE

No one from the audience spoke.

11) ADJOURNMENT

Meeting was adjourned at 11:44 a.m. on motion by Commissioner Neeley.