



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 **June 27, 2012**

DATE: June 27, 2012

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 the Public Works Building, 201 N. Stone Avenue, Basement Level, Conference Room C, Tucson, Arizona.

1) **ROLL CALL:**

PRESENT

Howard L. Richey, Chair
Thomas Spendiarian *arrived at 9:09 a.m.*
Randall R. Holdridge
Bonnie Poulos
William Matter
Bob Cook
Jenny Neeley
Corey Smith
Lynne Mangold

ABSENT

Armando Membrila

NINE MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Terri Tillman, Senior Planner
Greg Saxe, Environmental Plan. Mgr., RFCDD
Celia Turner, Recording Secretary

Maggie Shaw, Sr. Civil Eng. DOT
Sherry Ruther, Environmental Planning Manager,
Office of Sustainability & Conservation
Jim Portner, Projects International, LLC

2) **PLEDGE OF ALLEGIANCE**

3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**

A) **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** the Consent Agenda as presented.

The motion **PASSED** (8 – 0; Commissioners Spendiarian, and Membrilla were absent).

REZONING FOR PUBLIC HEARING

4) **Co9-12-02 GATEWAY HACIENDA LLC – RIVER ROAD REZONING**

Request of Gateway Hacienda LLC, represented by Projects International, Inc, for a **rezoning** of approximately **7.24 acres** from **SR (Suburban Ranch) to TR (Transitional)**, on property located at the southeast corner of River Road and Hacienda Del Sol. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. (District 1)

Voted: To **APPROVE** subject to the Standard and Special conditions:

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

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 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 Development Services Department.

6. Transportation conditions:
 - A. The property owner/developer shall provide continuous pedestrian path along one side of the drainage way located midway through the site between River Road and the Rillito River Park Trail.
 - B. The property owner/developer shall provide curb and sidewalk along River Road frontage as required by the Department of Transportation. If drainage or other physical constraints make curb infeasible, then a continuous pedestrian pathway may be allowed in place of curb and sidewalk as approved by the Department of Transportation.
 - C. The property owner/developer shall provide offsite improvements determined necessary by Department of Transportation. A Traffic Impact Study shall be submitted if determined necessary by the Department of Transportation.
 - D. Existing access on River Road west of the drainage way shall be eliminated.
 - E. River Road access shall be located east of the drainage way and shall not be the main or only access to the site.
 - F. The property owner/developer shall design the development with the main entrance/access on the west property boundary (southerly extension of Hacienda del Sol). This will allow for left turn into and from the site at the signalized intersection of Hacienda del Sol and River Road.

7. Flood Control conditions:
 - A. Fifty feet from the top of the Rillito River bank protection shall be required for drainageway maintenance and public access purposes.
 - B. Hacienda del Sol Wash shall be restored to a semi natural state by measures proposed within the Site Analysis and shown on the preliminary development plan (PDP), including re-contouring to provide water harvesting for native riparian plant species to be included on the landscaping plan and a natural channel design.
 - C. The Development Plan shall show graphically and by notation that the Hacienda del Sol Wash connection to the Rillito River will be made underneath the river park path.

8. Wastewater Reclamation conditions:
 - A. The final parking lot layout will be accepted by PCRWRD with the Preliminary Sewer Layout on the Development Plan.
 - B. 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.
 - C. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, 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 Pima County Regional Wastewater Reclamation Department.
 - D. 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.
 - E. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

- F. 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, sewer construction plan or request for building permit.
 - G. 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.
9. Environmental Quality condition:
Air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.
10. Adherence to the preliminary development plan (including internal access, and landscaping and path features for portions of the plan outside of the rezoning site) as approved at public hearing.
11. The maximum building height shall be 24 feet and one story for all buildings except the skilled nursing facility which shall have a maximum building height of 34 feet and two stories as depicted on the preliminary development plan.
12. Non-residential buildings shall not front River Road and shall be oriented to the westerly and southerly portions of the site. Rear sides of non-residential buildings shall not face the Rillito River. Non-residential buildings shall be designed with four-sided architecture.
13. Access to River Road shall be limited to right-in and right-out per rezoning policy RP-124(B).
14. Meet sustainability commitments as outlined in Section II-A.2.f on pages 56 and 57 of the rezoning site analysis.
15. Uses are limited to an Assisted Living/Skilled Nursing Facility (with ancillary uses) and Professional Medical Offices in accordance with the uses as approved in Rezoning Policy 124.
16. Sustainability and Conservation conditions:
A. Those areas as shown in Exhibit II-E.1.a.(1) which are to be re-vegetated and landscaped for purposes of complying with the Conservation Lands System shall be done in accordance with the vision and designs presented in the Site Analysis especially Exhibits II-E.1.a.(2), II-E.2.a, II-E.2.b, and II-E.2.c.
B. 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

17. Parks and Recreation conditions:

- A. The developer shall record Public Non-Motorized Trail Easements for trails as shown on the Preliminary Development Plan.
- B. The developer shall build pedestrian and equestrian trails through the project as shown on the Preliminary Development Plan.
- C. The developer shall construct the drainage channel(s) exiting the site to drain beneath the Rillito River Park path.
- D. The developer shall construct the divided urban pathway as shown on the Preliminary Development Plan for the Rillito River Park.

18. Cultural Resources condition:

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.

19. 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.
20. 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)."
21. Either the property shall be addressed from Hacienda del Sol or on-site directional signage shall be provided directing traffic to the Hacienda del Sol primary access/entrance.
22. A Final Integrated Water Management Plan (FIWMP) including water harvesting shall be approved prior to development plan approval.

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

5) NEW BUSINESS

- A) Arlan Colton, Planning Director, gave the Board of Supervisors disposition of cases.
- B) Commissioner Matter was elected Chair and Commissioner Neeley was elected Vice-Chair for 2012/2013.

6) CALL TO THE AUDIENCE

No one from the audience spoke.

7) ADJOURNMENT

Meeting was adjourned at 11:02 a.m. on motion by Commissioner Richey.