



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 **July 25, 2012**

DATE: July 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

William Matter, Chair
Jenny Neeley, Vice-Chair
Thomas Spendiarian
Randall R. Holdridge
Bonnie Poulos
Howard L. Richey *arrived @ 9:20 a.m.*
Bob Cook
Armando Membriila *arrived @ 10:15 a.m.*
Corey Smith
Lynne Mangold

ABSENT

TEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Daniel Signor, Senior Planner
Yves Khawam, Chief Building Official
Celia Turner, Recording Secretary

Greg Saxe, Environmental Plan. Mgr., RFCD
Maggie Shaw, Sr. Civil Eng. DOT
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 Richey, and Membrila were absent).

CODE AMENDMENT FOR PUBLIC HEARING

4) **Co8-12-06 BUILDING AND CONSTRUCTION CODE UPDATES**

AN ORDINANCE OF PIMA COUNTY, ARIZONA; RELATING TO BUILDING AND CONSTRUCTION; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL BUILDING CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL RESIDENTIAL CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2011 NATIONAL ELECTRICAL CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL PLUMBING CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL FUEL GAS CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH LOCAL AMENDMENTS; ADOPTING BY REFERENCE THE 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH LOCAL AMENDMENTS (APPLICABLE ONLY TO AREAS DESIGNATED RURAL FOREST VILLAGE UNDER THE PIMA COUNTY COMPREHENSIVE PLAN AND AREAS ENCIRCLED THEREBY), ADOPTING BY REFERENCE THE 2012 INTERNATIONAL EXISTING BUILDING CODE WITH LOCAL AMENDMENTS, AMENDING CHAPTERS 15.04, 15.08, 15.12, 15.14, 15.16, 15.18 AND 15.20 OF THE PIMA COUNTY CODE TO REFLECT THE AMENDMENTS ADOPTED BY THIS ORDINANCE AND TO CHANGE THE DESIGNATED LOCATION OF COPIES OF ADOPTED CODES AVAILABLE FOR PUBLIC INSPECTION, AND AMEND SECTION 15.04.080 TO REFLECT CHANGES TO CODE COMMITTEES MADE IN A PREVIOUSLY ADOPTED BOARD OF SUPERVISORS RESOLUTION (ALL DISTRICTS).

ON MOTION, it was

Voted: To **APPROVE** as presented.

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

TYPE III CONDITIONAL USE PERMITS FOR PUBLIC HEARING

5) P21-12-012 WHY DOMESTIC WATER IMPROVEMENT DISTRICT – N. IRONWOOD AV.

Request of Pinnacle Consulting, on property located at 118 N. Ironwood Av., in the **GR-1 Zone**, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 3)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions:

Standard Conditions:

1. Adherence to all requirements of Section 18.07.030H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions:

1. The new/resultant tower/antennae height shall be no more than fifty feet (50').
2. The new tower and antennae array shall be painted to, as best as possible, match the color of the existing water tanks.

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

6) P21-12-013 PIMA COUNTY RIGHT OF WAY – E. SUNRISE DR.

Request of Pinnacle Consulting, on property located in the right of way at 6322 E. Sunrise Dr., in the **SR Zone**, for a conditional use permit to add antennas to an existing communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 4)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions:

Standard Conditions:

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.04.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions:

1. The new/resultant antennae height shall be no more than thirty-four feet (34').
2. The new antennae and associated cabling shall be painted to, as best as possible, match the existing antennae and the wooden tower/pole.

The motion **PASSED** (8 – 1; Commissioner Holdridge voted **NAY**, Commissioner Membrila was absent).

REZONINGS FOR PUBLIC HEARING

7) **Co9-12-01 NORTHWEST FIRE DISTRICT – CURTIS ROAD REZONING**

Request of Northwest Fire District, represented by The Planning Center, for a rezoning of approximately 1.28 acres from **SH (Suburban Homestead)** to **CR-5 (Multiple Residence Zone)**, on property located on the southwest corner of the intersection of Curtis Road and Davis Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 3)

ON MOTION, it was

Voted: To **APPROVE** with the following 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 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation Conditions:
 - A. The property owner/developer shall dedicate 15 feet right-of-way for Curtis Road along the north property boundary.
 - B. The property owner/developer shall dedicate 25 feet right-of-way for the curve radius at the northeast property boundary for Curtis Road and Davis Avenue.
 - C. Provide offsite improvements to Curtis Road and Davis Avenue, which may include but may not be limited to, sidewalk or pedestrian path and additional pavement or drainage improvements, as determined necessary by Department of Transportation.
8. Flood Control conditions:
 - A. Water harvesting shown on the PDP located within the buffer yard and within common area located on the western portion of the PDP shall be designed to address detention requirements.
 - B. Potential encroachments within the local floodplain located along and within Curtis Road shall be evaluated in a drainage report to be submitted along with the Development Plan.
 - C. A final Integrated Water Management Plan shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation

measures, including water harvesting and other indoor and outdoor conservation measures.

9. Environmental Quality condition:
Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Wastewater Management 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 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.
 - 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 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.
 - 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, 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. 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.
12. Environmental Planning Condition:
The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&R's) that govern the Homeowners' Association (HOA's) and the actions of private property owners within the subdivision:
 - A. Maintenance of Common Area by Association: the HOA shall be responsible for the removal of buffelgrass from Common Areas.
 - B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of buffelgrass.
 13. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Employ water harvesting techniques with roadway design and grading. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. The water harvesting plan shall be approved by Development Services and shall be part of the water conservation plan approved by the Flood Control District.
 - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by the CC&R's.
 14. Adherence to the preliminary development plan, as approved at public hearing.
 15. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
 16. 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.
 17. 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** (10 – 0).

- 8) **Co9-12-03 WOODHAWK PROPERTIES LLC – LA CANADA DRIVE REZONING**
Request of Woodhawk Properties, represented by Apex Development Consultants, for a rezoning of approximately 1.05 acres from **RH (Rural Homestead)** to **CB-1(Local Business)**, on property located on the west side of La Canada Drive and approximately one eighth (1/8) of a mile south of Desert Bell Drive in Green Valley. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 4)

ON MOTION, it was

Voted: To **APPROVE** with the following 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 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation Condition:
Provide offsite improvements to La Canada Drive and the access easement(s) as determined necessary by Department of Transportation.
8. Flood Control conditions:
 - A. The site design shall incorporate water harvesting to support restoration of native riparian vegetation including trees along the watercourse.
 - B. All storm water drainage flow off impervious surfaces (including rooftops) shall be directed to 6" depressed basins (or as approved by Flood Control) to supplement any on-site irrigation of plants/vegetation.
 - C. Only drought tolerant native vegetation shall be used.
 - D. Only Environmental Protection Agency Water Sense Toilets at 1.28 gpf (gallons per flush) and other low flow fixtures or equivalent as approved by Flood Control shall be used.
9. Environmental Quality condition:
Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Wastewater Management 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 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.

- 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 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.
- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. 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.

12. Environmental Planning Condition:

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.

13. The parcels currently identified by tax code numbers 304-20-660B and 304-20-6610 shall be combined into one parcel.

14. The following condition shall be required in support of County Sustainability Initiatives:

Employ water harvesting techniques with roadway design and grading. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green

Building Program. The water harvesting plan shall be approved by Development Services and shall be approved by the Flood Control District.

15. Adherence to the preliminary development plan, as approved at public hearing.
16. Building height will not exceed 24 feet.
17. Architectural design shall promote the Southwestern style. Colors will blend with their desert surroundings and the existing build environment.
18. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
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(I)."

The motion **PASSED** (10 – 0).

9) NEW BUSINESS

- A) Arlan Colton, Planning Director, gave the Board of Supervisors disposition of cases.

10) CALL TO THE AUDIENCE

No one from the audience spoke.

11) ADJOURNMENT

Meeting was adjourned at 11:12 a.m. on motion by Commissioner Matter seconded by Commissioner Neeley.