



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 31, 2012**

DATE: November 1, 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
Bonnie Poulos *arrived @ 10:20 a.m.*
Randall R. Holdridge
Howard L. Richey
Armando Membriila *arrived @ 9:25 a.m.*
Corey Smith *left @ 10:15 a.m.*
Lynne Mangold

ABSENT

Thomas Spendiarian
Bob Cook

EIGHT MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Daniel Signor, Senior Planner
Thomas Drzazgowski, Deputy Chief Zoning Inspector
Celia Turner, Recording Secretary

Greg Saxe, Environmental Plan. Mgr., RFCD
Maggie Shaw, Sr. Civil Eng. DOT
Mike Holmes, Executive Director, Imagine Greater Tucson

- 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** (6 – 0; Commissioners Poulos, Membrila, Spendiarian and Cook were absent).

REZONING FOR PUBLIC HEARING

4) **Co9-12-04 DANIEL LLC – LOS REALES DRIVE REZONING**

Request of Daniel LLC, represented by Jeffrey A. Stanley, for a rezoning of approximately 1.02 acres from **GR-1 (H) [Rural Residential (Historic)]** to **CB-2 (H) [General Business (Historic)]**, on property located on the north side of Los Reales Road and approximately 300 feet east of Cardinal Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 5)

ON MOTION, it was

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

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS 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. 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 provide shared access with the property to the west. A maintenance and access agreement shall be provided to staff for review and approval prior to approval of development plan or building permit issuance.
 - B. The property owner/developer shall provide for shared access with property to the east, in the event that the property to the east is developed commercially.
 - C. The property owner(s) shall provide offsite improvements, including but not limited to, additional travel lanes, drainage, curb/sidewalk, as determined necessary by the Department of Transportation.
 - D. The location and number of access points shall require Department of Transportation approval
8. Flood Control conditions:
- A. The property owner shall comply with detention/retention requirements, as stated in the Floodplain Management Ordinance since the property lies within a critical basin. The design shall meet critical basin standards for flow reduction and provide a flow dissipating outflow that returns flows to a natural sheet flow condition.
 - B. Environmental Protection Agency Watersense toilets or equivalent with a maximum flow of 1.28 gallons per flush and low flow faucets for interior use shall be used.
 - C. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving and road drainage, using drip irrigation and controllers with timers to irrigate landscape vegetation.
9. Environmental Quality conditions:
- A. The property shall be served by public or private sewer.
 - B. 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 following condition shall be required in support of County Sustainability Initiatives:
Employ water harvesting techniques with site 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.
14. Green building concepts for energy and water conservation, minimizing solid waste, recycling building materials, and reducing green house gases shall be used to the maximum extent possible.
15. The subject site shall be coordinated with the existing development to the west with regard to shared access, shared signage, directing access and parking to Cardinal Avenue, and a coordinated overall layout with internal circulation.
16. Adequate bufferyard landscaping and screening shall be provided between the proposed commercial development and adjacent residential lots, if not required by the Zoning Code.
17. Adherence to the preliminary development plan, as approved at public hearing.
18. 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.

19. 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** (6 – 0; Commissioners Poulos, Membrila, Spendiarian and Cook were absent).

COMMUNICATION TOWER TEXT AMENDMENT FOR PUBLIC HEARING

5) **Co8-12-08 COMMUNICATION TOWER TEXT AMENDMENT**

AN ORDINANCE AMENDING THE PIMA COUNTY CODE SECTION 18.07.030(H) (COMMUNICATION TOWERS) CLARIFYING THE SUBSECTION BY REPLACING THE TERM "COMMERCIAL" WITH THE TERM "BUSINESS" IN SUBSECTIONS 18.07.030(H)(1)(B) AND (H)(2)(C) AND MODIFYING AND EXPANDING THE EXCEPTIONS FROM THE REQUIREMENT THAT A TYPE III CONDITIONAL USE PERMIT BE OBTAINED FOR ALL COMMUNICATION TOWERS, CLARIFYING THE APPLICATION PROCEDURES AND AMENDING THE DEVELOPMENT STANDARDS FOR COMMUNICATION TOWERS IN THE RIGHT OF WAY (ALL DISTRICTS).

ON MOTION, it was

Voted: To **APPROVE** as presented by staff.

The motion **PASSED** (6– 1; Commissioner Holdridge voted **NAY**; Commissioners Poulos, Spendiarian and Cook were absent).

INITIATION OF ZONING CODE TEXT AMENDMENT FOR PUBLIC HEARING

6) **Co8-12-07 CONTRACTOR YARD, HOME OCCUPATION, CONDITIONAL USE PERMIT, SUBDIVISION PLAT AND DEVELOPMENT PLAN CODE AMENDMENTS**

Staff requests that the Planning and Zoning Commission initiate the text amendment to modify Pima County Zoning Code chapters 18.03 General Definitions, 18.09 General Residential and Rural Zoning Provisions, 18.69 Subdivision Standards and 18.97 Conditional Use Procedures to add a definition for a contractor's yard, provide setbacks for animal shade structures within corrals, expand home occupations, eliminate non-residential plat requirements and revise the development plan requirement.

ON MOTION, it was

Voted: To **INITIATE** the code text amendment.

The motion **PASSED** (7– 0; Commissioners Poulos, Spendiarian and Cook were absent).

7) **NEW BUSINESS**

- A) Arlan Colton, Planning Director, gave the Board of Supervisors disposition of cases.
- B) Mike Holmes, Executive Director of Imagine Greater Tucson and Arlan Colton, Planning Director gave a presentation with information about Imagine Greater Tucson (IGT) and its relationship to the upcoming Comprehensive Plan update.

8) **CALL TO THE AUDIENCE**

No one from the audience spoke.

9) **ADJOURNMENT**

Meeting was adjourned at 10:55 a.m. on motion by Commissioner Matter.