



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 26, 2013**

DATE: June 28, 2013

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
Howard L. Richey
Bonnie Poulos
Randall R. Holdridge
Bob Cook
Armando Membrila
Jodi Bain

ABSENT

Lynne Mangold
Brad Johns

EIGHT MEMBERS PRESENT

ALSO PRESENT

Chris Poirier, Assistant Planning Director
Janet Emel, Senior Planner
Terri Tillman, Senior Planner
Dave Petersen, Senior Planner
Celia Turner, Recording Secretary

Tom Drzazgowski, Deputy Chief Zoning Inspector
Greg Saxe, Environmental Plan. Mgr., RFCD
Jonathan Crowe, DOT

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. B-128 Monthly reports were not presented at this time.

The motion **PASSED** (8 – 0; Commissioner Bain abstained (abstention counts as **YES** vote) Commissioners Mangold and Johns were absent).

CONDITIONAL USE PERMIT FOR PUBLIC HEARING

4) **P21-13-013 GRINGO PASS INC – N. HIGHWAY 85.**

Request of Campbell A&Z LLC (on behalf of Verizon Wireless), on property located at 210 N. Highway 85 (Taxcode 401-51-002D) in Lukeville, Arizona, in the **RH 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 the following Standard and Special Conditions:

Standard Conditions:

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions)

Special Conditions:

1. The new top height of the tower shall not be more than seventy feet (70').
2. The proposed tower and antennae are permitted to be galvanized, grey metal in color.
3. The on-the-ground equipment area compound shall be located and secured as shown on the submitted Development Plan.
4. The existing forty foot (40') tall tower and antennae array on the adjacent property shall be removed.

The motion **PASSED** (8 – 0; Commissioners Mangold and Johns were absent)

5) **Co9-09-09 ORANGE GROVE PROPERTY LLC – ORANGE GROVE ROAD REZONING**

Request of Orange Grove Property LLC, represented by Joel Kramer of Kramer +

Architecture, for a **rezoning** of approximately **1.74 acres** from **CR-1 (Single Residence)** to **TR (Transitional)**, on property located at the southeast corner of Orange Grove Road and La Canada Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 1)

ON MOTION, it was

Voted: To **APPROVE** subject to the following Standard and Special Conditions, **as amended**:

IF THE DECISION IS MADE TO APPROVE THE REZONING REQUEST, 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. Adherence to the Preliminary Development Plan "A" or "B" as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
10. The building height(s) shall be a maximum of one-story.

11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
12. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.
13. Environmental Quality condition: Upon the effective date of the Ordinance, 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 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.
14. 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 (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 / 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 PCRWRD.
 - 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 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 / 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, preliminary sewer layout, 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.
15. 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.
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** (6 – 2; Commissioners Neeley and Poulos voted **NAY**, Commissioner Holdridge abstained (abstention counts as **YES** vote) Commissioners Mangold and Johns were absent).

CONCURRENT PLAN AMENDMENT AND REZONING FOR PUBLIC HEARING

6) **Co7-13-09 Co9-13-04 ROGER C BIEDE II DEVELOPMENT ASSOC LLC – W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING**

Request of Roger C Biede II Development Association, LLC represented by Steadfast Drafting & Design, LLC for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from **Medium-High Intensity Urban (MHIU)** to **Neighborhood Activity Center (NAC)** and to rezone from **TR (Transitional)** to **CB-2 (General Business)** zone on approximately **0.46 acres** located north of Magee Road and approximately 660' west of La Cholla Boulevard in Section 33, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **APPROVE** the Concurrent Comprehensive Plan Amendment and Rezoning subject to the following Rezoning Policy and Standard and Special Conditions:

Rezoning Policy:

1. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.

Rezoning Standard and Special Conditions:

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. 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
3. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
4. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.
5. Regional Flood Control District condition: Prior to any new development the owner shall submit a site plan showing existing and proposed improvements, to the District to determine if permits may be issued or if a revised Development Plan is required.
6. Upon the effective date of the Ordinance, 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 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.
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)."

The motion **PASSED** (8 – 0; Commissioners Mangold and Johns were absent)

CODE TEXT AMENDMENT FOR PUBLIC HEARING

7) **Co8-13-02 BARRIER REDUCTIONS FOR GREEN BUILDING**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE TITLE 18 BY AMENDING CHAPTER 18.01 (GENERAL PROVISIONS), SECTION 18.01.030 (APPLICATION OF ZONING CODE) TO ALLOW EXCEPTIONS FOR GREEN BUILDING STRUCTURAL ALTERATIONS FOR NONCONFORMING BUILDINGS AND BUILDINGS HOUSING NONCONFORMING USES; AMENDING CHAPTER 18.03 (GENERAL DEFINITIONS), SECTION 18.03.020 (DEFINITIONS) TO ADD DEFINITIONS FOR "CISTERN", "GREEN BUILDING", "RAIN BARREL", "RAINWATER HARVESTING SYSTEM", AND "VEGETATED ROOF" AND TO ADD UNDERGROUND CISTERNS AND CERTAIN CLOTHES LINES TO EXCLUSIONS TO THE DEFINITION OF "STRUCTURE" TO EXCLUDE THEM FROM ZONING REGULATION; AMENDING CHAPTER 18.07 (GENERAL REGULATIONS AND EXCEPTIONS), SECTION 18.07.030 (LAND USE REGULATIONS) TO ADD RAINWATER HARVESTING SYSTEM AS A PERMITTED USE IN ALL ZONES SUBJECT TO REQUIREMENTS AND EXCEPTIONS, AND SECTION 18.07.050 (DEVELOPMENT STANDARDS EXCEPTIONS) TO MODIFY AND ADD TO DEVELOPMENT STANDARDS EXCEPTIONS FOR PROJECTIONS INTO YARDS AND FOR HEIGHT LIMITS; AND AMENDING CHAPTER 18.73 (LANDSCAPING, BUFFERING AND SCREENING STANDARDS), SECTION 18.73.050 (AMENITY LANDSCAPING REQUIREMENTS) TO ADD VEGETATED ROOFS AS AN AMENITY LANDSCAPE REQUIREMENT OPTION. (ALL DISTRICTS)

ON MOTION, it was

Voted: To **APPROVE**

The motion **PASSED** (8 – 0; Commissioners Mangold and Johns were absent)

8) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.

- B) Loop Economic Impact Study. Presentation given by Nanette Slusser, Assistant County Administrator.
- C) Voted: To **APPROVE** Commissioner Matter to continue Chair, and Commissioner Neeley to continue Vice-Chair for the 2013 – 2014 Fiscal Year.

The motion **PASSED** (8 – 0; Commissioners Mangold and Johns were absent).

9) **CALL TO THE AUDIENCE**

No one from the audience spoke.

10) **ADJOURNMENT**

Meeting was adjourned at 11:20 a.m. on motion by Commissioner Matter seconded by Commissioner Richey.