



# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

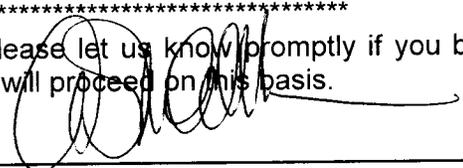
TO: Chairman and Members, Pima County Planning and Zoning Commission

FROM: Arlan Colton, Executive Secretary

RE: Pima County Planning and Zoning Commission Hearing of September 25, 2013

DATE: September 30, 2013

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 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  
 Bob Cook  
 Lynne Mangold  
 Jodi Bain  
 Brad Johns

ABSENT

Bonnie Poulos  
 Randall R. Holdridge  
 Armando Membrila

*Left at 1:07 p.m.*

SEVEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning  
 Chris Poirier, Assistant Planning Director  
 Janet Emel, Senior Planner  
 David Petersen, Senior Planner  
 Terri Tillman, Senior Planner  
 Tom Coyle, Principal Planner  
 Celia Turner, Recording Secretary

Greg Saxe, Environmental Plan. Mgr., RFCO  
 Jonathan Crowe, DOT  
 Jim Portner, Consultant

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

- A) **B-123 APPROVAL OF AUGUST 28, 2013 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 28, 2013 checklist and the Consent Agenda as presented, and B-128 Monthly reports for June 2013 as presented.

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

### **REZONINGS FOR PUBLIC HEARING**

- 4) **Co9-13-07 KQ COVENANT INVESTMENTS LLC – NOGALES HWY**  
Request of KQ Covenant Investments LLC, represented by JAS Engineering, for a rezoning of **approximately 1.46 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone**, on property located approximately one-third mile south of Old Vail Connection Road, on the west side of Nogales Hwy. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 2)

ON MOTION, it was

Voted: To **APPROVE** of the rezoning request subject to standard and special conditions as presented.

### **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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and south. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
  - B. The property shall be limited to one access point on S. Nogales Highway. The location of the access point shall require Department of Transportation approval.
  - C. The property owner/developer shall provide the following offsite improvements:  
Left turn lane serving the property from northbound S. Nogales Highway.
8. Regional Flood Control District condition:
  - A. At the time development is proposed, the property owner shall submit to the Pima County Regional Flood Control District a drainage report that includes analysis documenting compliance with the Lee Moore Wash Basin Management Study for review and approval. Based on this analysis, specific limitations may apply to the layout of the site in order to ensure that the provisions of the Ordinance are met.
  - B. Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of development plans detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
9. 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.
10. Adherence to the sketch plan as approved at public hearing. The proposed sign in the bufferyard shown on the sketch plan will require Design Review Committee approval prior to permitting.
11. 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.

12. 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)."
13. 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.

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

5) **Co9-13-11 AZ SQUARE #7 LLC — SOUTH NOGALES HIGHWAY**

Request of AZ Square #7 LLC, represented by Phil Williams, for a rezoning of **approximately .83 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone**, on a portion of property at 9770 S. Nogales Highway located approximately two hundred feet south of Old Vail Connection Road, on the west side of Nogales Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 2)

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, 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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north, south, and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
  - B. The property shall be limited to one access point on S. Nogales Highway subject to Department of Transportation approval and will serve as the only access point allowed for this site, as well as for the property owner's adjacent property to the north and west.
8. Regional Flood Control District condition: First flush retention of the first 0.5 inch of rainfall shall be provided on-site for site landscaping and water harvesting.
9. Cultural Resources condition: In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
10. Adherence to the sketch plan as approved at public hearing.
11. 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.
12. 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)."
13. 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.

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

### **COMPREHENSIVE PLAN AMENDMENTS FOR PUBLIC HEARING**

6) **Co7-13-03 LAWRENCE C. LEUNG, INC. – N. THORNYDALE ROAD PLAN AMENDMENT**

Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU-0.3) and Resource Transition (RT) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres** located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **DENY**.

The motion **PASSED** (4 – 3; Commissioners Richey, Bain, and Johns voted **NAY**; Commissioners Poulos, Holdridge, and Membrila were absent).

7) **Co7-13-04 PACIFIC INTERNATIONAL PROPERTIES, LLP – N. THORNYDALE ROAD PLAN AMENDMENT**

Request of Pacific International Properties, LLP, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU-0.3) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 54.95 acres** located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **DENY**.

The motion **PASSED** (4 – 3; Commissioners Richey, Bain, and Johns voted **NAY**; Commissioners Poulos, Holdridge, and Membrila were absent).

8) **Co7-13-05 MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT**

Request of Mandarin Associates, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) for**

**approximately 17.77 acres** located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **DENY**.

The motion **PASSED** (4 – 3; Commissioners Richey, Bain, and Johns voted **NAY**; Commissioners Poulos, Holdridge, and Membrila were absent).

9) **Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT**

Request of Hardy-Thornydale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU 0.3)** to **Medium Intensity Urban (MIU) for approximately 30.0 acres** located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, in Section 29, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To **DENY**.

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

10) **Co7-13-08 LANDMARK TITLE TR 18109 - W. SUNSET ROAD PLAN AMENDMENT**

Request of Landmark Title TR 18109, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU 0.3)** to **Low Intensity Urban 0.5 (LIU 0.5) for approximately 71.50 acres and Resource Transition (RT) to remain Resource Transition (RT) for approximately 6.4 acres** located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste, in Section 13, Township 13 South, Range 12 East, in the Tucson Mountains/Avra Valley Subregion. (District 3)

ON MOTION, it was

Voted: To **APPROVE**.

The motion **PASSED** (6 – 0; Commissioners Poulos, Holdridge, Membrila, and Bain were absent).

**PIMA COUNTY CODE TEXT AMENDMENT**

11) **Co8-11-06 RENEWABLE ENERGY INCENTIVE DISTRICT (REID)**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; AMENDING SECTION 14.04.010 REID SITE MAPS OF CHAPTER 14.04 MAPS OF TITLE 14 RENEWABLE ENERGY INCENTIVE DISTRICT (REID) OF THE PIMA

COUNTY CODE TO CORRECT SEVERAL SCRIVENER'S MAPPING ERRORS, REPLACE THE EXISTING ORDINANCE MAPS WITH MORE READABLE MAPS, AND PRESENT THE ORDINANCE BEFORE THE BOARD OF SUPERVISORS FOR AN ANNUAL REVIEW. THE RENEWABLE ENERGY INCENTIVE DISTRICT (REID) ORDINANCE DESIGNATED SPECIFIC SITES WHERE UTILITY-SCALE SOLAR FACILITIES MAY BE DEVELOPED MORE EXPEDITIOUSLY; SPECIFIED REID SITE CRITERIA; ESTABLISHED PERFORMANCE STANDARDS AND AN INCENTIVE PLAN FOR THE FACILITY DEVELOPMENT; AND PROVIDED A PROCESS FOR AMENDING REID SITE CRITERIA AND DESIGNATING NEW REID SITES.

1. THE SCRIVENER'S MAPPING ERRORS REQUESTED FOR CORRECTION ARE:
  - A) REMOVING THE AREA DESIGNATED "IMPORTANT RIPARIAN AREA" ACCORDING TO THE PIMA COUNTY COMPREHENSIVE PLAN'S MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM AS A REID SITE WITHIN TAX CODE PARCEL 303-09-0030 ON THE "SOUTHEAST AREA" REID ORDINANCE MAP. AREAS DESIGNATED AS "IMPORTANT RIPARIAN AREAS" DO NOT QUALIFY AS REID SITES. THE SUBJECT PARCEL IS LOCATED ON THE WEST SIDE OF WILMOT ROAD AND TWO MILES SOUTH OF THE OLD VAIL CONNECTION ROAD. THE PARCEL IS WITHIN THE SWAN SOUTHLANDS SPECIFIC PLAN SITE. INCLUSION OF THE AREA WAS AN INADVERTENT ERROR MADE DURING THE DEVELOPMENT OF THE ORDINANCE PROCESS; AND,
  - B) CORRECTLY REFLECTING ON THE "NORTHWEST AREA" REID ORDINANCE MAP, THE BOARD OF SUPERVISORS DECISION ON APRIL 3, 2012 TO REMOVE TAX CODE PARCELS 208-41-036F, 208-41-036G, 208-41-046D, 208-41-060A, 208-41-060B, 208-41-036D, AND 208-41-0510 AS DESIGNATED REID SITES. THE SUBJECT PARCELS ARE LOCATED NEAR MANVILLE ROAD AND WEST OF SANDARIO ROAD. THE SITES WERE INADVERTENTLY LEFT ON THE REID ORDINANCE MAP FOR THAT AREA AND SHOULD HAVE BEEN REMOVED.
2. THE PROPOSED ORDINANCE MAP REPLACEMENTS WILL BE MORE READABLE THAN THE CURRENT ORDINANCE MAPS AND WILL DELINEATE TIER 1 REID SITES FROM TIER 2 REID SITES.
3. THE ORDINANCE SHALL ALSO BE PRESENTED TO THE BOARD OF SUPERVISORS FOR AN ANNUAL REVIEW. SECTION 2 OF ORDINANCE 2012-16 STATES: "THIS ORDINANCE SHALL BE RECONSIDERED BY THE BOARD OF SUPERVISORS WITH RESPECT TO AMENDING THE REID SITE AND/OR AMENDING THE CRITERIA FOR DESIGNATING REID SITES APPROXIMATELY ONE YEAR AFTER ITS ADOPTION DATE". (ALL DISTRICTS)

ON MOTION, it was

Voted: To **APPROVE**

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

#### 4) **NEW BUSINESS**

- A) Pima Prospers – Comprehensive Plan update.  
The Planning Director presented a verbal update on the Plan progress, and also passed out an information sheet dated September 2013.

- B) Board of Supervisors disposition of cases.  
The Planning Director presented the actions on Planning and Zoning Commission's recommendations of the Board of Supervisors for the previous month.

5) **CALL TO THE AUDIENCE**

No one from the audience spoke.

6) **ADJOURNMENT**

Meeting was adjourned at 1:46 p.m. on motion by Commissioner Matter, seconded by Commissioner Cook.