



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 **April 30, 2014**
DATE: April 30, 2014

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

ABSENT

William Matter, Chair
Jenny Neeley, Vice-Chair
Bonnie Poulos
Randall R. Holdridge
Armando Membriila
Bob Cook
Lynne Mangold
Jodi Bain
Brad Johns
Eddie Peabody, Jr.

TEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director Jeannette DeRenne, Principal Planner, DOT
Chris Poirier, Assistant Planning Director Greg Saxe, Environmental Plan. Mgr., RFCD
Tom Coyle, Principal Planner
Terri Tillman, Senior Planner
Celia Turner, Coordinator

2) **PLEDGE OF ALLEGIANCE**

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

A) **B-123 APPROVAL OF MARCH 26, 2014 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** March 26, 2014 checklist and the Consent Agenda. B-128 Monthly reports were not available.

The motion **PASSED** (10 – 0).

REZONING FOR PUBLIC HEARING

4) **Co9-14-01 J DE GRAZIA COMPANY LLC – N BONANZA AVENUE REZONING**

Request of **J De Grazia Company LLC**, represented by **MJM Consulting**, for a rezoning of approximately 9.33 acres from SR (Suburban Ranch) to CR-1 (Single Family Residence), on property located on the east side of Bonanza Avenue approximately 600 feet south of Snyder Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2 (District 1)

Voted: To **APPROVE** the rezoning request subject to the Standard and Special 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 shall be limited to one access point onto Bonanza Avenue as shown on the preliminary development plan.
 - B The owner/developer shall file an application for abandonment of public right-of-way for Walnut Tree Street. Once abandoned, the land shall be incorporated into the rezoning site.

8. Regional Flood Control District Conditions:
 - A. A permitting note shall be added to the Final Plat and a covenant shall be recorded with the Conditions, Covenants and Restrictions for the subdivision indicating that Floodplains, Erosion Hazard Setbacks and Pima County Regulated Riparian Habitat as delineated on the Final Plat shall not be disturbed.
 - B. First flush retention shall be required.
 - C. In order to achieve water conservation measures identified in the PIWMP, a note shall be added to the Final Plat indicating that development of each lot shall obtain certification under the Pima County Green Building program, and shall include at least one outdoor conservation measure.

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 preliminary development plan as approved at public hearing.

11. 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.

12. Regional Wastewater Reclamation 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 enter into a written agreement addressing 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.
13. 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.
 14. 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)."
 15. ~~Development plans or plats shall be within the densities of the comprehensive plan and applicable zoning ordinance.~~ Final lot configuration and internal subdivision design shall be responsive to the conditions identified in this approval and generally consistent with the rezoning exhibits.
 16. Residential structures shall be no more than ~~4-story~~ 24 feet in height

The motion **PASSED** (10 – 0)

5) Co9-14-02 JALM INVESTORS LP – N ORACLE ROAD REZONING

Request of JALM Investors, LP represented by Jeff Stanley, for a rezoning of approximately 1.2 acres from the GR-1 (GZI) (Rural Residential) (Gateway Overlay Zone) to the CB-1 (GZI) (Local Business) (Gateway Overlay Zone) zone, on property addressed as 16355 and 16341 N. Oracle Road located on the west side of Oracle Road at the T-Intersection of Pinal Street and Oracle Road. The proposed rezoning conforms to the Multifunctional Corridor (MFC) designation of the Pima County Comprehensive Plan. (District 1)

Voted: To **APPROVE** the rezoning request subject to the Standard and Special 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. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services prior to the approval of a development plan for this site.
 - B. The owner(s) shall provide offsite improvements if determined necessary by the Arizona Department of Transportation.
 - C. Shared access with the property to the south shall be provided as shown on the preliminary development plan.
 - D. The rezoning site is limited to one shared access point with the property to the north onto Oracle Road.
8. Regional Flood Control District Condition: Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
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 unearthened 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 preliminary development plan as approved at public hearing.
11. 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.
12. Regional Wastewater Reclamation Conditions:
 - G. 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.
 - H. 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 enter into a written agreement addressing 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.
 - I. 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.
 - J. 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.
 - K. 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.
 - L. 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.
13. 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.

14. 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)

6) NEW BUSINESS

- A) Pima Prospers – Comprehensive Plan update.
- B) Board of Supervisors disposition of cases.

The Planning Director commented on Pima Prospers and Comprehensive Plan update.

7) CALL TO THE AUDIENCE

No one from the audience spoke.

8) ADJOURNMENT

Meeting was adjourned at 10:50 a.m. on motion by Commissioner Matter, seconded by Commissioner Mangold.