



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 **November 30, 2011**

DATE: December 1, 2011

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

Howard L. Richey, Chair
D'Laine Steinbrenner, Vice Chair
William Matter
Thomas Spendiarian
Armando Membrila
Randall R. Holdridge
Bob Cook

ABSENT

Bonnie Poulos
Vicki Cox Golder
Jenny Neeley

SEVEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
Jim Veomett, Senior Planner
Marc Fink, Senior Planner
Janet Emel, Senior Planner
Celia Turner, Recording Secretary

Tom Drzazgowski, Deputy Chief Zoning Inspector
Maggie Shaw, Public Works Manager, DOT
Greg Saxe, Environmental Plan. Mgr., RFCD
Betty Stamper, Development Services
Bruce Plenk, City of Tucson

2) **PLEDGE OF ALLEGIANCE**

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

A) **B-123 APPROVAL OF SEPTEMBER 2011 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** the Consent Agenda as presented.

The motion **PASSED** (7 – 0; Commissioners Poulos, Neeley, and Cox-Golder were absent).

COMPREHENSIVE PLAN AMENDMENT CONTINUED FROM SEPTEMBER P & Z FOR PUBLIC HEARING

4) **Co7-11-02 LANDMARK TITLE AND TRUST TR 7933-T (M & S UNLIMITED LLC) – E. SAHUARITA ROAD PLAN AMENDMENT**

Request of Landmark Title and Trust TR 7933-T (Moshe Gedalia, M&S Unlimited LLC), represented by Tim McCann of Urban Engineering, to amend the Comprehensive Plan from **Medium Intensity Rural (MIR) to Medium Intensity Urban (MIU)**. The approximately **22.01-acre** amendment site is located at the northwest corner of E. Sahuarita Road and N. Calle Rinconado in the Rincon Southeast / Santa Rita Subregion. (District 4)

ON MOTION, it was

Voted: To **CONTINUE** until January 25, 2012

The motion **PASSED** (7 – 0; Commissioners Poulos, Neeley, and Cox-Golder were absent).

REZONING FOR PUBLIC HEARING

5) **Co9-11-04 HENNESSY TR – MISSION ROAD REZONING**

Request of Hennessy TR, represented by CPE Consultants, for a rezoning of approximately **6.10** acres from **SH (Suburban Homestead) BZ (Buffer Overlay Zone)** to **CB-1 (Local Business) BZ (Buffer Overlay Zone)**, on property located on the west side of Mission Road, approximately 2,000 feet south of Ajo Way. 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 and the addition of Condition #15..

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following conditions 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 construct connection between interior walkways and sidewalk along Mission Road.
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
 - B. The property owner shall comply with detention/retention conditions and restrictions, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. The property owner(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - D. The access easement, within and adjacent to the rezoning, shall require drainage improvements to meet all-weather access requirements as described in District Technical Policy 27 (Tech-027).
 - E. A Final Integrated Water Management Plan (FIWMP) 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. Wastewater Reclamation conditions:
 - A. The owner(s) / developer(s) shall construe no 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(s) / developer(s) to that effect.
 - B. The owner(s) / developer(s) 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(s) / developer(s) 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.

10. Environmental Quality condition

As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.

11. Adherence to the preliminary development plan as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.

12. Environmental Planning condition:

Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.

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 to 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)."

15. The project shall incorporate 100% rooftop water harvesting.

The motion **PASSED** (7 – 0; Commissioners Poulos, Neeley, and Cox-Golder were absent).

REZONING WITH CLUSTER OPTION FOR PUBLIC HEARING

- 6) **Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING WITH CLUSTER OPTION**
Request of Vistoso Limited Partnership, represented by Fleorchinger, Sadler, Steele, Baker, Inc., for a rezoning of approximately **7.50** acres from **GR-1 (Rural Residential)** and approximately **7.50** acres from **GR-1 (GZ) (Gateway Overlay Zone)** to approximately **7.50** acres **CR-3 (Single Residence) (Cluster Development Option)**, and approximately **7.50** acres **CR-4 (GZ) (Mixed Dwelling Type)**, on property located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive in the Catalina area. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. (District 1)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions and the addition of Condition #20.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following conditions 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:
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes Road as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - B. The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - C. All-weather access shall be provided to all lots to meet concurrency requirements.
 - D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.

9. Wastewater Reclamation conditions:
 - A. The property owner(s) / developers(s) shall construe no 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 property owner(s) / developers(s) 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 property owner(s) / developers(s) 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.
 - D. The property owner(s) / developers(s) 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.
 - E. The property owner(s) / developers(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, 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 property owner(s) / developers(s) 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.
10. Environmental Quality condition
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

- C. 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. Natural Resources, Parks and Recreation condition:
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be determined at time of platting.
 13. Environmental Planning 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. The property owner / developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
 15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
 - A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
 - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
 - C. Each residential unit shall have a solar assisted domestic water heating system.
 - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
 - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
 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 owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department 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.
 18. 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 to 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)."
 19. Adherence to the preliminary development plan as approved at public hearing.
 20. A. The western end units of buildings along the west property line shall be limited to one story. B. There shall be a forty-foot bufferyard along the west property line. C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

The motion **PASSED** (5 – 2; Commissioners Membrila and Holdridge voted **NAY**, Commissioners Poulos, Neeley, and Cox-Golder were absent).

CODE AMENDMENT FOR STUDY SESSION

(Not a Public Hearing)

- 7) Pima County Utility-Scale and Ancillary-Scale Renewable Energy Ordinance and Renewable Energy Incentive District (REID) Ordinance.

Staff presented information on the proposed ordinance and answered questions for the Commission.

8) **NEW BUSINESS**

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

9) **CALL TO THE AUDIENCE**

No one from the audience spoke.

10) **ADJOURNMENT**

Meeting was adjourned at 12:10 p.m. on motion by Commissioner Richey, seconded by Commissioner Matter.