



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 27, 2011**

DATE: September 29, 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
Bonnie Poulos
Armando Membrilla *arrived at 9:15 a.m.*
Randall R. Holdridge
Bob Cook
Jenny Neeley

ABSENT

William Matter
Thomas Spendiarian
Vicki Cox Golder

SEVEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning Director
Chris Poirier, Assistant Planning Director
David Petersen, Senior Planner
Jim Veomett, Senior Planner
Maggie Shaw, Public Works Manager, DOT
Greg Saxe, Environmental Plan. Mgr.,
RFCD

Ed Curley, RWRD, Program Manager
Lesley Lukach, County Attorney
Charles Wesselhoft, County Attorney
Celia Turner, Recording Secretary

2) **PLEDGE OF ALLEGIANCE**

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

A) **B-123 APPROVAL OF AUGUST 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** (6 – 0; Commissioners Membrila, Matter, Spendiarian and Cox-Golder were absent).

REZONING FOR PUBLIC HEARING

4) **Co9-11-03 UNDERDOWN TR 1/3 ET AL – RIVER ROAD REZONING**

Request of Underdown Trust 1/3 et al, represented by The Planning Center, for a **rezoning** of approximately **6.6 acres** from **SH (Suburban Homestead)** to **TR (Transitional)**, on property located north of River Road, approximately 1,700 feet east of 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 standards and special conditions:

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 sidewalk along River Road and shall construct the connection between interior sidewalk and sidewalk along River Road.

- B. The property owner(s) shall provide offsite improvements to River Road as required by Departments of Transportation.
- 8. Regional Flood Control condition:
 - A. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
- 9. 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. 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.
 - D. 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.
 - E. 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 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.
- 11. The maximum building height shall be 15 feet.
- 12. In the event the subject property is annexed, the property owner(s) / developers(s) 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.
13. 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)."
 14. Adherence to the preliminary development plan as approved at public hearing.

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

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS FOR PUBLIC HEARING

- 5) **Co9-98-23 CASAS ADOBES PLAZA, LLC/CASAS ADOBES VENTURES, LLC – VIA PONTE/GIACONDA WAY REZONING**
 Request of Casas Adobes Plaza, LLC/Casas Adobes Ventures, LLC, represented by Robert Gugino, for a **modification (substantial change)** of the rezoning condition #10 and **waiver** of rezoning condition #'s 12 and 13 to allow for vehicular access to Via Ponte and to eliminate provision of speed bumps on Via Ponte. The subject site is **3.55 acres** zoned CB-1 (Local Business) and is located on the south side of Ina Road, immediately east of Via Ponte, north of Giaconda Way. (District 1)

A MOTION was made to **APPROVE** the modification of rezoning conditions subject to Standard and Special Conditions as recommended by staff.

A MOTION was made to **SECOND** the motion if there was agreement to modify condition #7(C) change the word "provide " to "contribute to"

The modification to condition #7(C) was agreed to and it was,

Voted: To **APPROVE** the modification of rezoning conditions (6 – 1; Commissioner Holdridge voted **NAY**; Commissioners Matter, Spendiarian and Cox-Golder were absent) subject to Standard and Special Conditions as recommended by staff and with the modification to condition #7(C) as follows:

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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing of without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The location, design and number of access points to the subject property shall need written approval by the Department of Transportation prior to any plan approvals.
 - B. Provision of all necessary access roadway improvements to Giaconda Way and Ina Road as determined during the plan review process. These roadway improvements shall be completed prior to the issuance of a certificate of occupancy.
 - C. The property owner/developer shall provide contribute to improvements to Via Ponte between Ina Road and Giaconda Way.
 - D. Access is limited to two driveways on Via Ponte.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
9. Wastewater Management condition:
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.
10. Adherence to the 2011 revised preliminary development plan as approved at public hearing.
11. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
- ~~12. There shall be no vehicular access to Via Ponte.~~
- ~~13. Provision of speed bumps on Via Ponte.~~
- 44 12. Placement of a masonry wall on the west perimeter.

13. 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)."

COMPREHENSIVE PLAN AMENDMENTS FOR PUBLIC HEARING

6) **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 November 30, 2011.

The motion **PASSED** (6 – 0; Commissioners Membrilla, Matter, Spendiarian and Cox-Golder were absent).

7)

A) **EXECUTIVE SESSION:**

Pursuant to A.R.S. § 38-431.03(A)(3) for legal advice concerning Co7-11-03 PIMA COUNTY – COMPREHENSIVE PLAN COST OF DEVELOPMENT ELEMENT AMENDMENT.

B) **Co7-11-03 PIMA COUNTY – COMPREHENSIVE PLAN COST OF DEVELOPMENT ELEMENT AMENDMENT**

Request of Pima County to amend the Cost of Development Element of the Pima County Comprehensive Plan to clarify that the Pima County Regional Wastewater Reclamation Department assesses sewer connection fees on a regional basis while reimbursing developers who install sewer system improvements beyond those needed to serve their particular developments. (All Districts)

ON MOTION, it was

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

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

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 10:30 a.m. on motion by Commissioner Poulos, seconded by Commissioner Richey.