



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: May 16, 2017

Title: Co12-72-92 SILVERBELL WEST (LOT 28) PLAT NOTE WAIVER

**Introduction/Background:**

The applicant requests a waiver of plat note #16 for Lot 28 of the Silverbell West Subdivision, Lots 1-92 (Bk. 24, Pg. 70) which states, "No more than one dwelling unit shall be placed on each lot until such time as sewers are available." The applicant requests to place a second dwelling on the lot which is approximately 1.01 acres zoned SH (Suburban Homestead).

**Discussion:**

The approximately 112-acre rezoning to SH was approved in 1971, subject to conditions including a suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities. The subsequent Silverbell West subdivision was approved in 1973 with a Sanitation Department recommendation for the plat note which reflected standards for on-site sewage disposal at the time. Current Pima County Department of Environmental Quality regulations allow more than one dwelling unit on an acre lot subject to limitations which may include maximum amounts of daily wastewater disposal. The plat note is more restrictive than SH development standards, which allow two units on an acre lot. The Board of Supervisors has approved similar plat note waivers for 23 lots within the subdivision to date.

**Conclusion:**

Staff has no objection to the waiver of the plat note for the subject lot since the purpose of the plat note was to ensure compliance with the 1970's standards for on-site sewage disposal which are no longer applied.

**Recommendation:**

Staff recommends approval of a waiver of plat note #16 subject to a condition which requires minimum chip seal pavement for any common driveway serving more than one dwelling. The proposed site plan depicts two separate driveways, one to each dwelling which precludes the pavement requirement. The applicants will need to comply with current standards for permitting on-site sewage disposal (septic) systems.

**Fiscal Impact:**

0

**Board of Supervisor District:**

- 1
- 2
- 3
- 4
- 5
- All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 4.25.17

Deputy County Administrator Signature/Date: [Signature] 4/27/17

County Administrator Signature/Date: [Signature] 4/28/17



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Sharon Bronson, Supervisor, District 3

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** April 24, 2017

**SUBJECT:** Co12-72-92 SILVERBELL WEST (LOT 28) PLAT NOTE WAIVER

The above referenced Plat Note Modification is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 16, 2017** hearing.

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**REQUEST:** For a **waiver of plat note #16** for Lot 28 of the Silverbell West Subdivision, Lots 1 thru 92 (Bk. 24, PG. 70) which states, "No more than one dwelling unit shall be placed on each lot until such time as sewers are available." The applicant requests to place a second dwelling unit on the lot which is approximately 1.01 acres zoned SH (Suburban Homestead) and is located on the east side of Lockett Road, approximately 400 feet south of Hiram Drive and 1,300 feet north of the W. Silverbell Road.

**OWNERS:** Blanca Reyes and Andres Garcia  
12440 N. Insun Street  
Marana, AZ 85653-9064

**APPLICANT:** Same as above.

**DISTRICT:** 3

**STAFF CONTACT:** David Petersen

**PUBLIC COMMENT TO DATE:** As of April 24, 2017, staff has received no written public comments.

**STAFF RECOMMENDATION:** APPROVAL SUBJECT TO A CONDITION.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The site is located outside of the Maeveen Marie Behan Conservation Lands System (CLS). However, Multiple Use Management Area within the CLS lies adjacent to the site and surrounds the subdivision except to the north).

TD/DP/ar  
Attachments



PIMA COUNTY  
DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

Subject: Co12-72-92

Page 1 of 3

**FOR TUESDAY, MAY 16, 2017 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS  
FROM: Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
DATE: April 24, 2017

**UNADVERTISED ITEM FOR PUBLIC HEARING**

**PLAT NOTE WAIVER**

**Co12-72-92 SILVERBELL WEST (LOT 28) PLAT NOTE WAIVER**

Request of Blanca Reyes and Andres Garcia for a **waiver of plat note #16** for Lot 28 of the Silverbell West Subdivision, Lots 1 thru 92 (Bk. 24, PG. 70) which states, "No more than one dwelling unit shall be placed on each lot until such time as sewers are available." The applicant requests to place a second dwelling unit on the lot which is approximately 1.01 acres zoned SH (Suburban Homestead) and is located on the east side of Lockett Road, approximately 400 feet south of Hiram Drive and 1,300 feet north of the W. Silverbell Road. Staff recommends **APPROVAL SUBJECT TO A CONDITION.**  
(District 3)

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the plat note waiver to allow a second residence on Lot 28 without availability of sewers, subject to the following condition recommended by the Transportation Department should a single driveway to both residences be created (the proposed site plan depicts two driveways):

Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.

The applicants will need to comply with standard requirements for permitting the use of on-site disposal (septic) systems, including design to accommodate the existing and proposed development, the primary and reserve leach fields and septic tanks, and the applicable setbacks.

**REQUEST OF APPLICANT**

The applicants request a waiver of plat note #16, which limits lots to one residence per lot until sewers are available, in order to allow a second residence on Lot 28. The applicants indicate that the second residence will allow an upgrade to the property.

**PLANNING REPORT**

The area of the subdivision plat was rezoned to SH in 1971. A subdivision plat, Silverbell West Lots 1-92, comprising one-acre lots, was recorded in 1973 (Bk. 24, Pg. 70). On the recommendation of Pima County's then-existent Sanitation Department, plat note #16 was added to limit the subdivision to one dwelling per lot until sewers became available.

Staff has no objection to granting of the waiver since the purpose of the note was to ensure compliance with sanitation standards as they existed in the 1970s. Current Department of Environmental Quality standards allow more than one unit on an acre lot subject to limitations which may include maximum amounts of daily sewage disposal.

The Board of Supervisors has approved waivers of plat note #16 for 23 lots within the subdivision. The most recent approval was for Lot 76 on October 10, 2010. At that time, the nearest public sewer was approximately 1.75 miles north of the subdivision, at the intersection of Lockett Road and Trico-Marana Road. Since then the town of Marana has acquired responsibility for sanitary sewer service for the area of the subdivision plat and it appears that public sewer also exists approximately two miles to the northwest at the intersection of Sanders Road and Moore Road. As of the writing of this report, the town has not responded to staff's request for comment. Town of Marana jurisdiction is approximately one quarter mile to the east and south of the subdivision.

The plat note is more restrictive than SH zoning, which allows two residences per 36,000 square feet. However, the SH zone restricts manufactured and mobile homes to a maximum of two on a parcel, no matter how large.

The SH zoning density potential of the subdivision conflicts with the Medium Intensity Rural Comprehensive Plan designation of the site, which calls for a maximum density of 1.2 residences per acre, or one residence per 36,000 square feet. The site was rezoned prior to the adoption of the Comprehensive Plan in 1992 and the 2010 Plan Update. All roads within the subdivision are paved and County maintained, as is Silverbell Road which provides access to the site.

RH zoning surrounds the subdivision and is undeveloped desert except to the north which is agricultural. The RH zoning is a Receiving Area for Transfer of Development Rights. State land exists to the west.

The proposed site plan for the subject 1.01-acre lot shows the proposed second dwelling at 12 feet from the north side yard which complies with the minimum 10 foot side yard setback requirement for the SH zone.

Public notice is being sent to all property owners within, and within 300 feet of, the subdivision. No public comment has been received to date on the subject request. The applicant should note that a property owner within the subdivision may privately enforce the plat note, even if the Board of Supervisors grants the waiver. Staff's review of original deed restrictions (Book 5140, Page 528) for the subdivision found no restrictions relative to the number of dwellings on a lot. Staff does not know if there have been amendments to the CC&R's.

**TRANSPORTATION REPORT**

DOT has no objection to this request. The request for two units is common in this neighborhood and will only generate 10 average daily trips (ADT). Should the applicant choose to access this site via a shared driveway with the existing home, DOT requests that the driveway be paved or chip sealed.

- Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.

**FLOOD CONTROL REPORT**

The Pima County Regional Flood Control District has reviewed the request and has no objection.

**WASTEWATER RECLAMATION REPORT**

Pima County Regional Wastewater Reclamation Department has no comments on this waiver request because the property is within the Town of Marana sanitary sewer service area.

**TUCSON WATER COMMENTS**

To date, there has been no response to a request for comments.

**TRICO ELECTRIC COOPERATIVE COMMENTS**

To date, there has been no response to a request for comments.

**AVRA VALLEY FIRE DISTRICT COMMENTS**

To date, there has been no response to a request for comments.

**MARANA UNIFIED SCHOOL DISTRICT COMMENTS**

We have no concerns with Co12-72-92 Plat Note Modification and have capacity in our schools for the additional residence, if approved.

**TOWN OF MARANA COMMENTS**

To date, there has been no response to a request for comments.

TD/DP/ar

Attachments

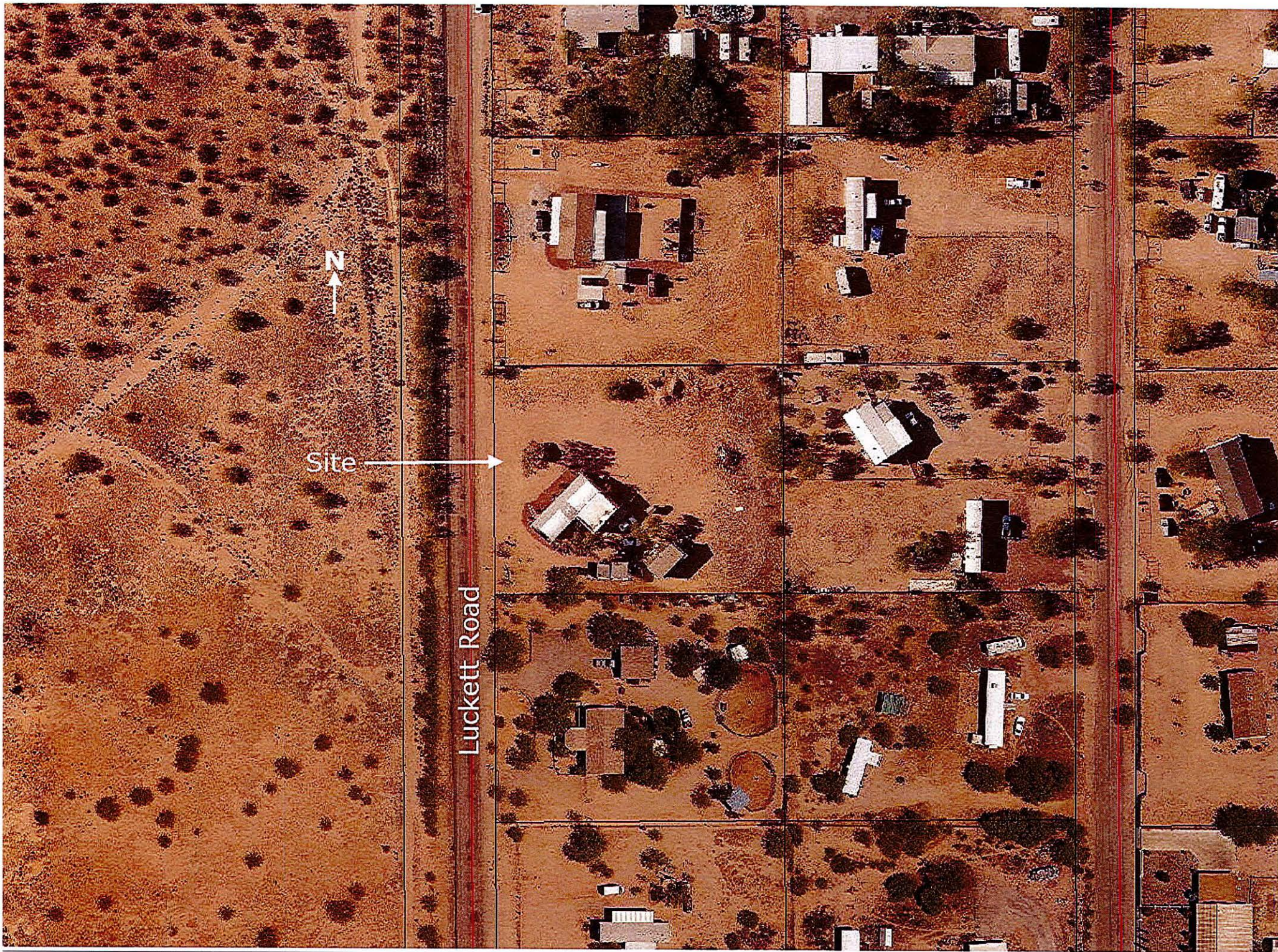
cc: Blanca Reyes and Andres Garcia, 12440 N. Insun Street, Marana, AZ 85653-9064  
Tom Drzazgowski, Principal Planner  
Co9-72-92 File

N  
↑  
2016

Site →

N. Lockett Rd.

W. Silverbell Road



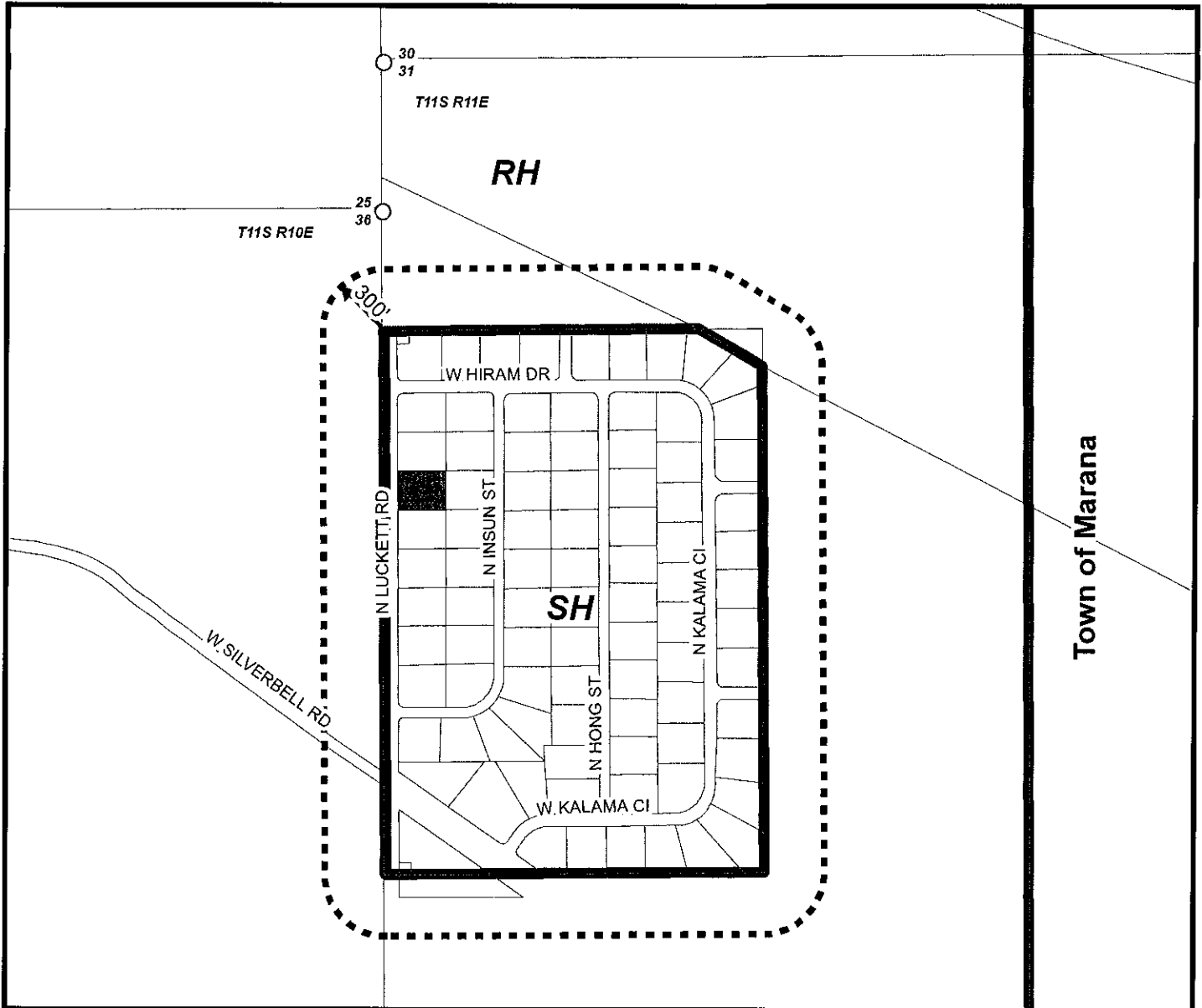
N

Site

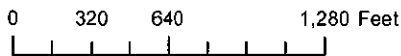
Luckett Road

Case #: CO12-72-92  
 Case Name: SILVERBELL WEST (LOT 28)  
 Tax Code(s): 217-47-0280

 Notification Area



Town of Marana



Subject Site 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**



Notes: **PLAT NOTE WAIVER**

Ref: Co9-70-146

Board of Supervisors Hearing: 05/16/17 (scheduled)

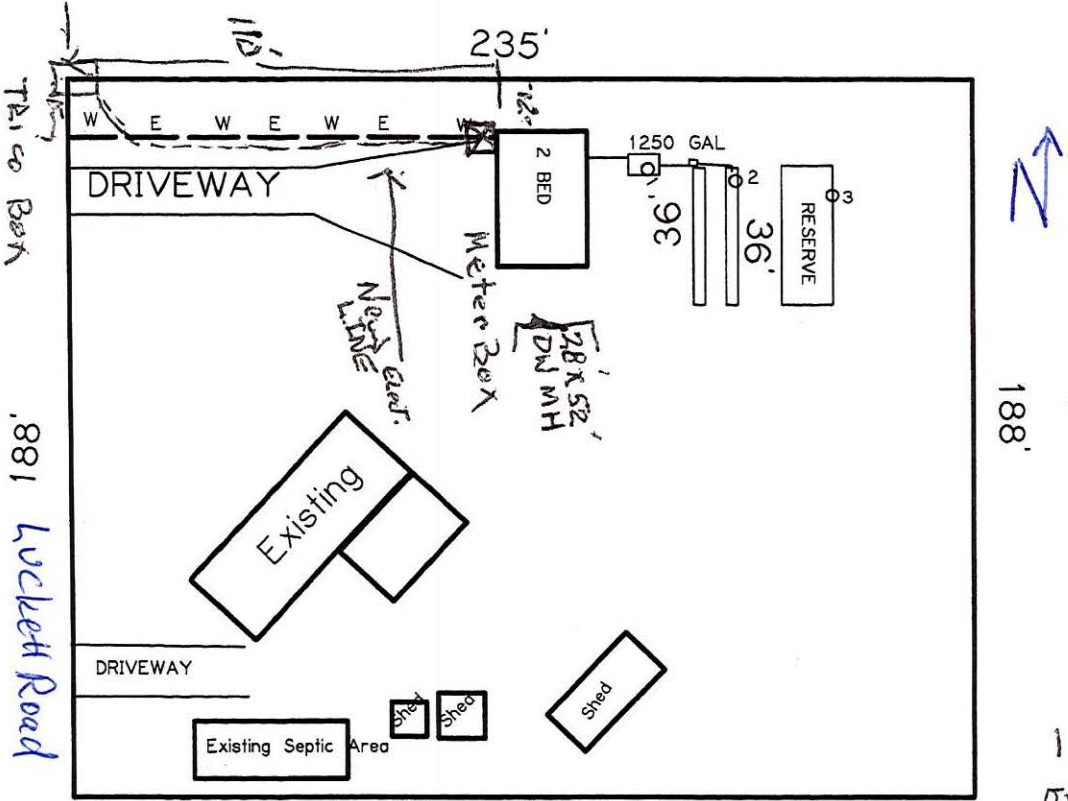
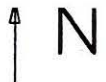
Base Map(s): 274

Map Scale: 1:9,000

Map Date: 04/17/2017 ds







ANDRES GARCIA & BLANCA REYES  
 12462 N LUCKETT RD UNIT 2  
 217-47-0280 Lot 28  
 1.02 ACRES  
 SCALE 1:50

Remarks - Septic = P17SS 00074  
 - Address P17AD 00081  
 - Electric pending

JARRELL PRE-CAST INC  
*George Jarrell*  
 2/11/17  
 GEORGE JARRELL

RECEIVED  
 MAR 01 2017  
 By \_\_\_\_\_

\* NO SIGNIFICANT SLOPE

3/1/2017

To

Pima County Development Services Planning Division

Attn.: Mark Holden and/or Sue Morman

201 N. Stone Ave/ 2<sup>nd</sup> floor

Tucson Az

The property located at 12462 N. Luekett Rd. Marana, AZ 85653 , 1.02 ACRES , Parcel Number#217-47-0280, is owned by Blanca Reyes and Andres Garcia. We have owned this property for 2 years or so. We are trying to upgrade this property by installing a second unit on this property 12462 N. Luekett Rd. Marana, AZ 85653. We are requesting a waiver of the plat note 16 in order to proceed with approval of the permitting process.

Ri: P17BP01151

P17SS00074

P17AD00081

x Blanca Reyes Date: 3/1/2017

Blanca Reyes

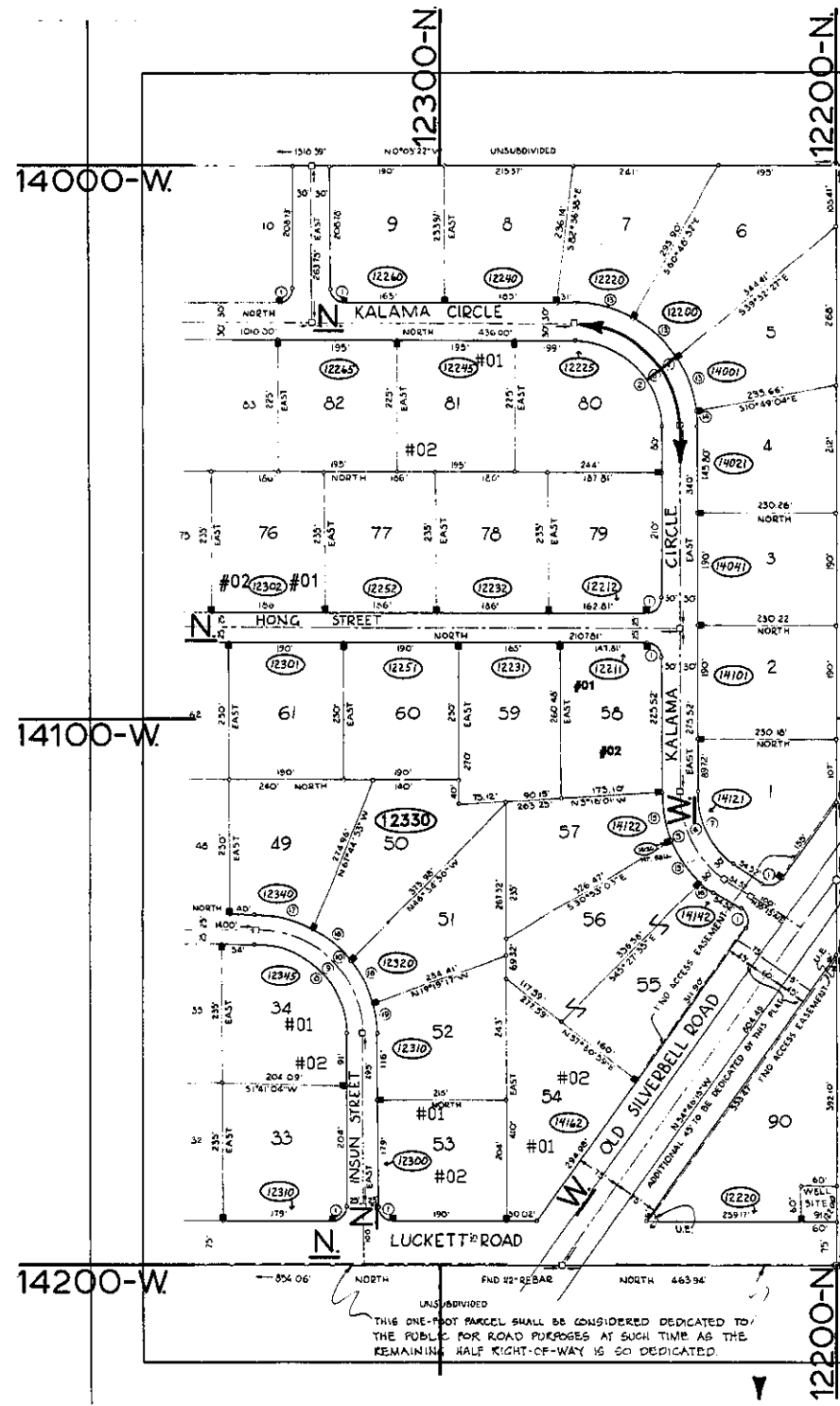
x Andres Garcia Date: 3/1/2017

Andres Garcia

[reyesblanca57@yahoo.com](mailto:reyesblanca57@yahoo.com)

520-310-5670





SCALE: 1" = 100'

**CERTIFICATION OF SURVEY**

I HEREBY CERTIFY THAT THE SURVEY OF THE LAND SHOWN ON THIS PLAT HAS BEEN COMPLETED UNDER MY DIRECTION AND ALL MONUMENTS EXIST AS SHOWN OR THAT A BOND HAS BEEN POSTED FOR THEIR EVENTUAL INSTALLATION.

*Paul Kienow*  
1/11/73  
PAUL KIENOW  
REG. PROF. ENGR. '7545'

**DEDICATION**

WE, THE UNDERSIGNED HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT AND WE HEREBY CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL ROADS, STREETS AND EASEMENTS AS HEREON SHOWN. WE, THE UNDERSIGNED OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE PIMA COUNTY, ITS EMPLOYEES, OFFICERS, AGENTS, SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THESE LANDS NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE, EROSION OR DAMAGES CAUSED BY WATER, WHETHER SURFACE FLOOD OR RAINFALL. NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT APPROVAL OF THE COUNTY BOARD OF SUPERVISORS. UTILITY EASEMENTS AS SHOWN HEREON ARE DEDICATED FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITIES AND SEWERS. A ONE-FOOT NO ACCESS EASEMENT IS HEREBY DEDICATED AS SHOWN HEREON. STEWART TITLE AND TRUST OF TUCSON AN ARIZONA CORPORATION, UNDER TRUST NO 0871 AS TRUSTEE ONLY AND NOT IN ITS CORPORATE CAPACITY.

BY: *Frank McElwain*  
FRANK McELWAIN

STATE OF ARIZONA  
COUNTY OF PIMA

ON THIS 11<sup>TH</sup> DAY OF JANUARY, 1973, BEFORE ME APPEARED FRANK McELWAIN WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF STEWART TITLE AND TRUST OF TUCSON AND THAT HE, AS SUCH OFFICER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS TRUST OFFICER.

IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

*Notary Public*  
NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVALS**

ELSA B. HANNA, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, ON THIS 11<sup>TH</sup> DAY OF JANUARY, 1973.

*Elsa B. Hanna* 1/11/73  
CLERK BOARD OF SUPERVISORS DATE

*Paul D. Ciano* 2/19/73  
DAVIDICO, COUNTY ENGINEER DATE

*Paul E. Brown* 2-13-73  
PIMA COUNTY PLANNING DIRECTOR DATE

*Paul E. Brown* 2-7-73  
PIMA COUNTY DEPT. OF SANITATION DATE

**MAP 274  
ZONE SH**  
ONLY ONE UNIT PER LOT  
UNTIL SEWERS AVAILABLE

SEE SHEET 2 FOR  
GENERAL NOTES

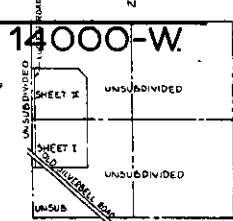
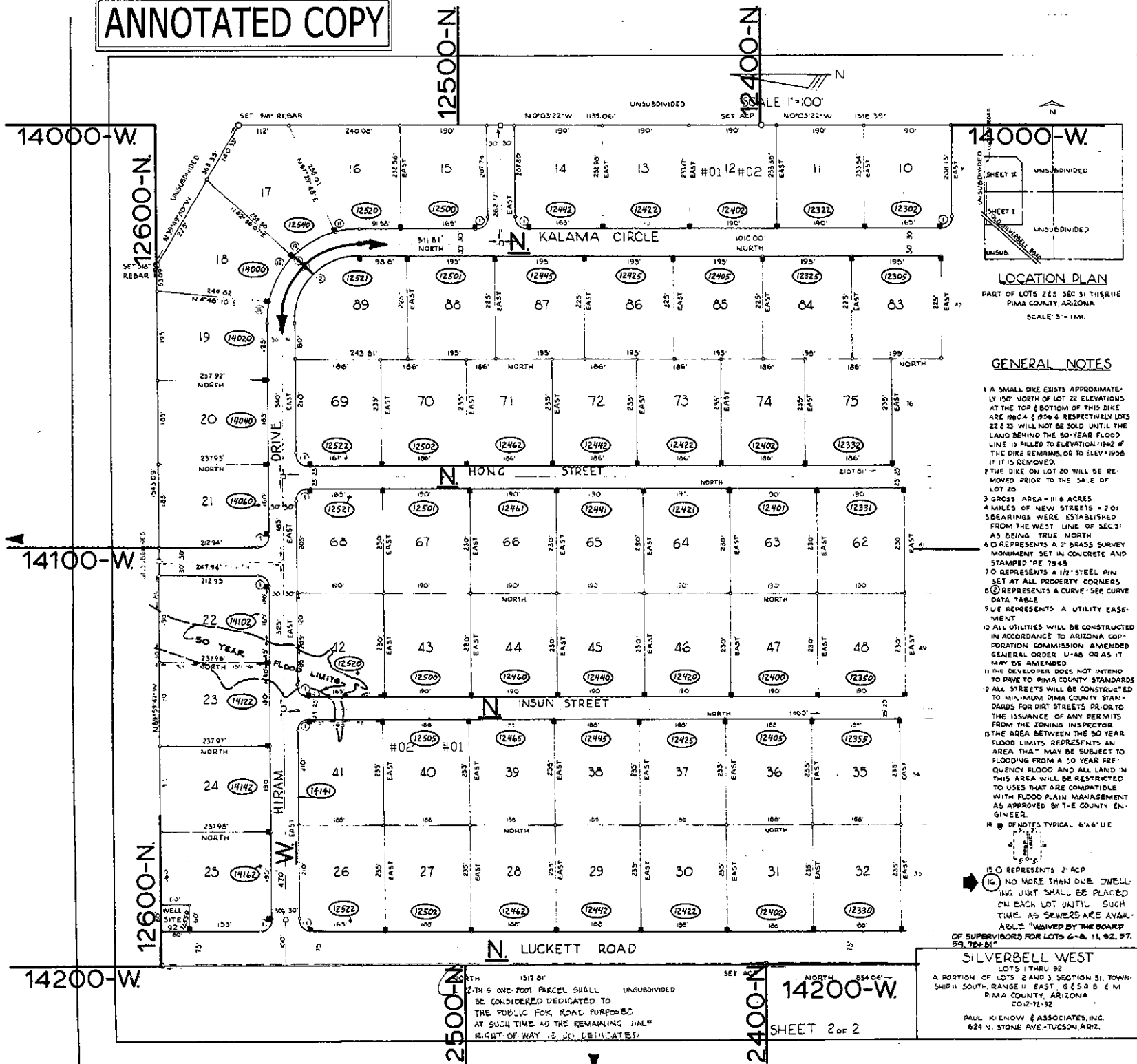
SEE LETTER DATED JAN. 31, 1978  
CONCERNING FLOOD PLANS FOR LOTS  
18, 19, 20, 21, 22, 23, 80.

**ANNOTATED  
COPY**

**SILVERBELL WEST**  
LOTS 1 THRU 92  
A PORTION OF LOTS 2 AND 3 SECTION 31 TOWNSHIP 11 SOUTH, RANGE 11 EAST, G.E.S.R. 6 E.M.  
PIMA COUNTY, ARIZONA  
C012-72-92  
PAUL KIENOW & ASSOCIATES, INC.  
624 N. STONE AVE.-TUCSON, ARIZ.

THIS ONE-FOOT PARCEL SHALL BE CONSIDERED DEDICATED TO THE PUBLIC FOR ROAD PURPOSES AT SUCH TIME AS THE REMAINING HALF RIGHT-OF-WAY IS SO DEDICATED.

**ANNOTATED COPY**



**LOCATION PLAN**  
PART OF LOTS 223 SEC 31, T15S11E  
PIMA COUNTY, ARIZONA  
SCALE: 3" = 100'

**GENERAL NOTES**

- 1 A SMALL DIKE EXISTS APPROXIMATELY 150' NORTH OF LOT 22. ELEVATIONS AT THE TOP & BOTTOM OF THIS DIKE ARE 196.4 & 196.6 RESPECTIVELY. LOTS 22 & 23 WILL NOT BE SOLD UNTIL THE LAND BEHIND THE 50-YEAR FLOOD LINE IS FILLED TO ELEVATION 196.2 IF THE DIKE REMAINS, OR TO ELEV +195.6 IF IT IS REMOVED.
- 2 THE DIKE ON LOT 20 WILL BE REMOVED PRIOR TO THE SALE OF LOT 20.
- 3 GROSS AREA = 118 ACRES
- 4 MILES OF NEW STREETS = 2.01
- 5 BEARINGS WERE ESTABLISHED FROM THE WEST LINE OF SEC 31 AS BEING TRUE NORTH
- 6 ○ REPRESENTS A 2" BRASS SURVEY MONUMENT SET IN CONCRETE AND STAMPED "P.E. 7545"
- 7 ○ REPRESENTS A 1/2" STEEL PIN SET AT ALL PROPERTY CORNERS
- 8 ○ REPRESENTS A CURVE - SEE CURVE DATA TABLE
- 9 U.E. REPRESENTS A UTILITY EASEMENT
- 10 ALL UTILITIES WILL BE CONSTRUCTED IN ACCORDANCE TO ARIZONA CORPORATION COMMISSION AMENDED GENERAL ORDER U-48 OR AS IT MAY BE AMENDED
- 11 THE DEVELOPER DOES NOT INTEND TO DAVE TO PIMA COUNTY STANDARDS
- 12 ALL STREETS WILL BE CONSTRUCTED TO MINIMUM PIMA COUNTY STANDARDS FOR DIRT STREETS PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR
- 13 THE AREA BETWEEN THE 50 YEAR FLOOD LIMITS REPRESENTS AN AREA THAT MAY BE SUBJECT TO FLOODING FROM A 50 YEAR FREQUENCY FLOOD AND ALL LAND IN THIS AREA WILL BE RESTRICTED TO USES THAT ARE COMPATIBLE WITH FLOOD PLAIN MANAGEMENT AS APPROVED BY THE COUNTY ENGINEER.
- 14 ○ DENOTES TYPICAL 6"x6" U.E.
- 15 ○ REPRESENTS 2" ACP
- 16 NO MORE THAN ONE DWELLING UNIT SHALL BE PLACED ON EACH LOT UNTIL SUCH TIME AS SPACES ARE AVAILABLE AS DETERMINED BY THE BOARD OF SUPERVISORS FOR LOTS 6-8, 11, 82, 97, 89, 70 & 81.

**SILVERBELL WEST**  
LOTS 1 THRU 92  
A PORTION OF LOTS 2 AND 3, SECTION 31, TOWNSHIP 11 SOUTH, RANGE 11 EAST, G & S D & C M.  
PIMA COUNTY, ARIZONA  
CO-12-72-92  
PAUL KIENOW & ASSOCIATES, INC.  
624 N. STONE AVE - TUCSON, ARIZ.

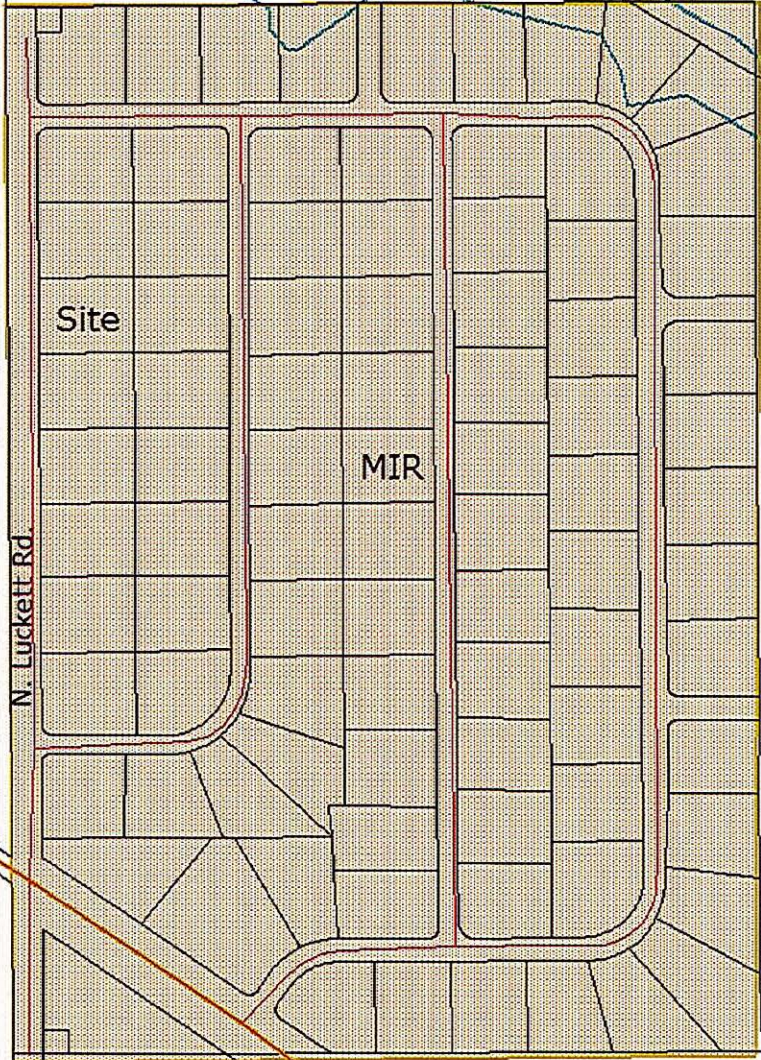
157.01' NORTH  
2 THIS ONE FOOT PARCEL SHALL BE CONSIDERED DEDICATED TO THE PUBLIC FOR ROAD PURPOSES AT SUCH TIME AS THE REMAINING HALF RIGHT-OF-WAY IS SO DEDICATED.

554.06' NORTH  
14200-W  
SHEET 2 of 2

Pima County Comprehensive Plan  
Avra Valley Planning Area  
Plan Designation: Medium Intensity Rural (MIR)



LIR



Flood Control  
Resource Area

LIR

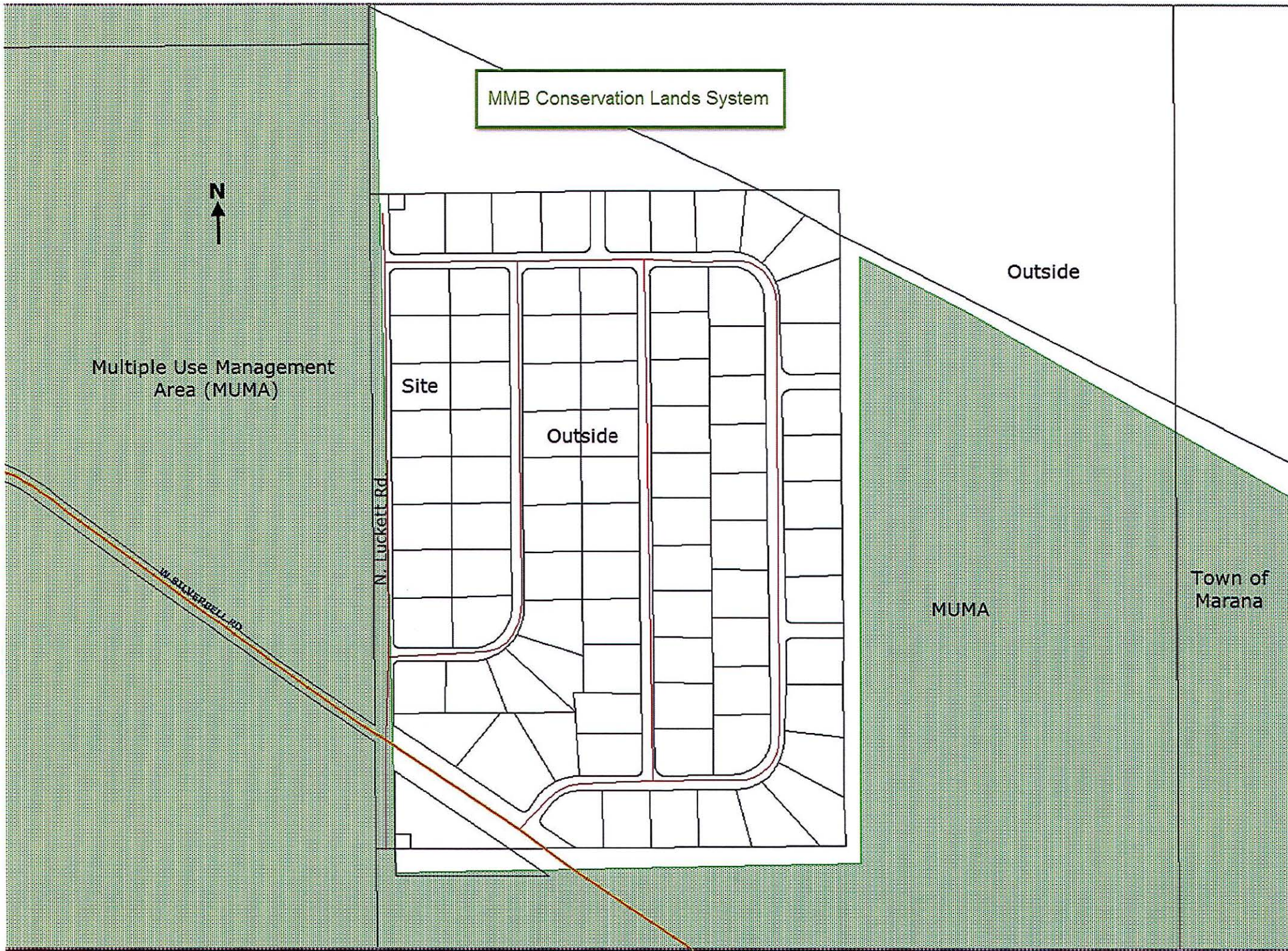
Town of  
Marana

## PIMA COUNTY COMPREHENSIVE PLAN PIMA PROSPERS

### Rural Intensity Categories

#### **3. Medium Intensity Rural (MIR)**

- a. Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas.
- b. Residential Gross Density: Residential gross density shall conform to the following:
  - 1) Minimum – none
  - 2) Maximum – 1.2 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - 1) Minimum – none
  - 2) Maximum – 1.2 RAC.



MMB Conservation Lands System



Multiple Use Management Area (MUMA)

Site

Outside

Outside

MUMA

Town of Marana

N. Lucket Rd.

W. Silverbell Rd.

Zoning Map



RH

Site

SH

RH

N. Lucket Rd.

W. SILVERBELL RD.

RH

SH

Town of Marana  
C  
(Large Lot)



# Latest Plat Note Waiver Approval (23<sup>RD</sup> Lot) Co12-72-92 (Lot 76) BOS Minutes 10-5-10

## 18. DEVELOPMENT SERVICES: Plat Note Waiver

### → Co12-72-92, SILVERBELL WEST (LOT 76)

Request of Raymundo and Juanita Enriquez for a waiver of plat note No. 16 for Lot 76 of the Silverbell West Subdivision, Lots 1 thru 92 (Bk. 24, PG. 70) which states, "No more than one dwelling unit shall be placed on each lot until such time as sewers are available." The applicant requests to place a second dwelling unit on the lot which is approximately 0.97 of an acre zoned SH (Suburban Homestead) and is located on the east side of Hong Street, approximately 1,300 feet south of Hiram Drive and 1,200 feet north of Silverbell Road. Staff recommends APPROVAL WITH CONDITIONS. (District 3)

#### "STAFF RECOMMENDATION:

Staff recommends APPROVAL of the plat note waiver to allow a second residence on Lot 76, subject to the following conditions:

1. The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems on the subject property at the time a tentative plat, development plan or request for building permit is submitted for review.
2. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
3. The subject parcel shall be of sufficient size and designed in such a manner to accommodate the existing and proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable set backs for on-site sewage disposal.
4. No longer than six-months prior to any transfer to another person of title to real property served by an individual sewage disposal system, the system(s) shall be inspected and a certificate of inspection shall be filed with the environmental officer."

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the plat note waiver with conditions.

## 19. DEVELOPMENT SERVICES: Rezoning Ordinance

~~ORDINANCE NO. 2010-60, Co9-09-05, Beaufort Company L.L.C. & NNK L.L.C. – Craycroft Road Rezoning. Owner: Beaufort Company L.L.C. & NNK L.L.C. (District 2)~~

~~The Chairman inquired whether anyone wished to be heard. No one appeared.~~

~~On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-60.~~