



Pima County  
Planning and Zoning Commission

MEETING LOCATION  
Administration Bldg. - East  
130 W. Congress Street  
1st Floor  
Tucson, AZ 85701

**Meeting Summary  
11-25-2020**

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.

Chris Poirier, Executive Secretary

1. ROLL CALL – 9:00 a.m.

**PRESENT**

- District 1 Brad Johns, Chair*
- District 2 \*Barbara Becker, Vice-Chair*  
*\*Armando Membrila*
- District 3 \*Ryan Maese*  
*\*Tom Tronsdal*
- District 4 \*William Matter*
- District 5 \*Bob Cook*  
*\*Bruce Gungle*

**ABSENT**

- Jodi Bain*
- David Hook*

**EIGHT MEMBERS PRESENT**

(Cook arrived at item #4, Membrila arrived at item #5)

**ALSO PRESENT**

- Chris Poirier, Planning Official & Executive Secretary
- Mark Holden, Principal Planner
- \*Donna Spicola, Commission Coordinator

- Tom Drzazgowski, Chief Zoning Inspector
- \*Greg Saxe, Flood Control Planning Manager

*\*Present Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the Meeting Summary of October 28, 2020.  
The motion **PASSED** (6 – 0 Commissioners Bain, Membrila, Hook, and Cook were absent).

4. CALL TO THE PUBLIC

No one from the public spoke.

## HEARINGS

### COMPREHENSIVE PLAN AMENDMENT

#### 5. **P20CA00004 DE SANTIAGO – W. YEDRA ROAD PLAN AMENDMENT**

Tony and Carmen De Santiago, represented by Judith De Santiago, request a **Comprehensive Plan amendment** of approximately 4.77 acres from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) land use designation, located approximately 1200 feet east of the intersection of W. Yedra Road and S. Vahalla Road, and addressed as **7600 W. Yedra Road**, in Section 21, Township 15 South, Range 12 East, in the Southwest Planning Area. (District 3)

ON MOTION, it was

Voted to recommend **APPROVAL** subject to a Rezoning Policy:

The 4.77-acre comprehensive plan amendment property shall be split into north and south parcels at rezoning to avoid and minimize disturbance to Pima County Regulated Riparian Habitat.

The motion **PASSED** 8-0 (Commissioners Bain and Hook were absent).

### REZONING

#### 6. **P20RZ00009 NAVA ET AL - S. NOGALES HIGHWAY REZONING**

Request of Karissa Gail Nava and Adrianus Wilhelmus Van Der Helm, represented by Daniel White of KDS Engineering, for a **rezoning** of approximately .47 acres from the GR-1 (Rural Residential) zone to CB-2 (General Business) zone, on property located on the west side of S. Nogales Highway, approximately 115 feet north of W. Arivaca Road, addressed at **28750 S. Nogales Highway**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center (NAC). (District 3)

This case was **WITHDRAWN** by the applicant.

#### 7. **P20RZ00010 CAMFE LLC – W. OKLAHOMA STREET REZONING**

Request of Camfe LLC, represented by Jose Campillo, for a **rezoning** of approximately 4.05 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, located at the northwest corner of the intersection of W. Oklahoma Street and S. Sheila Avenue and addressed as **6520 W. Oklahoma Street**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Low Intensity Urban 3.0 (LIU-3.0). (District 3)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT STANDARD AND SPECIAL CONDITIONS:**

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and

ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

3. Upon the effective date of the Ordinance, the owner(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.
4. Adherence to the sketch plan as approved at public hearing.
5. 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.
6. The property owner shall execute 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** 8-0 (Commissioners Bain and Hook were absent).

## **CONCURRENT PLAN AMENDMENT AND REZONING**

### **8. P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING**

Suki Investment Group, LLC represented by Craig Courtney, requests a **Concurrent Plan Amendment and Rezoning** to amend the comprehensive plan from the Medium Intensity Urban (MIU) to the Neighborhood Activity Center (NAC) designation and to rezone from the TR (Transitional) to the CB-2 (General Business) zone on approximately .88 acres, parcel code 225-44-5770, located at the northwest corner of W. Magee Road and N. La Cholla Boulevard, in Section 33, Township 12 South, Range 13 East, in the Tortolita Planning Area. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS:**

1. The property owner shall not further lot split or subdivide residential property without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
  - B. ~~Traffic Impact Study will be required if there is a substantial change that results in an increase in the buildable square footage over the current approved Preliminary Development Plan for Lot 5, or there is not a sufficient reduction in the approved buildable area to accommodate a more intense parking use so as not to exceed the~~

~~allowable building area under the current rezoning, based on a combined Development Plan for the subject property and the remnant parcel. Any Traffic Impact Study, whether it contains any portion of the Magee Center properties, including one from the adjacent development utilizing the Magee Center access point on Magee Road, that determines off-site improvements are necessary, will not be the responsibility of the Owner(s)/Developer of any Magee Center properties. A traffic impact study will be required at time of development or building plan submittal to determine if mitigation is needed. Any mitigation required by the Traffic Impact Study for higher trip generating uses such as drive thru restaurants, convenience store and gasoline station will be the responsibility of the Owner(s)/Developer of any Magee Center properties.~~

- C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.
- D. No additional access to Magee Road is allowed from the site.
- 3. Flood Control condition: A drainage plan requiring on site detention and first flush retention for Lots 5 and 6 shall be designed and approved by Pima County Regional Flood Control District to mitigate the 100 year peak discharge.
- 4. Wastewater conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) 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 plan amendment/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(s) 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(s) shall time all new development within the plan amendment/rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner(s) shall connect all development within the plan amendment/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(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan amendment/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(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 plan amendment/rezoning area.

5. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(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.
6. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Lot 5 and 6 shall be developed as an integrated site and subject to general adherence to the preliminary development plan for Lot 5 from Resolution 2020-061 as approved at public hearing.
8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
9. The use of the property is limited to restaurants with or without a bar and CB-1 zone uses except for automotive related uses other than retail sales and fueling bays, and stand-alone bars.
10. 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.
11. The property owner shall execute 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)."

The motion **PASSED** 8-0 (Commissioners Bain and Hook were absent).

## **MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

9. **Co9-83-08 SPEER – ORANGE GROVE ROAD REZONING**  
**Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD REZONING**  
**Co9-00-35 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD #2 REZONING**  
 Request of QuickTrip Corporation, represented by The Planning Center, for a **modification (substantial change)** of the following rezoning conditions from three rezoning cases on one parcel of land addressed as **401 W. Orange Grove Road**.
  - #15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35). These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.
  - #19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35). These three rezoning conditions

require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.

- #22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35). These three rezoning conditions require a 10-foot type “D” bufferyard adjacent to the streets, the south and west boundaries. The request is to modify the required 10-foot wide bufferyard “D” along the west boundary of the property to allow a minimum 5-foot bufferyard “D”.
- #23 (Co9-83-08), #13 (Co9-93-08), #14 (Co9-00-35). These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum height of 30 feet.
- #24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35). These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales and rental. Car wash hours of operation are limited to 7:30 a.m. through 6 p.m. Sales and car rental hours of operation are limited to 8 a.m. through 9:00 p.m. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7 a.m. to 9 p.m. with the exit tunnel open to the north or east.
- #18 (Co9-83-08). This rezoning condition requires that the south 25 feet of the subject property to be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

The approximately 1.64-acre property is zoned CB-2® (General Business - Restricted) and is located on the southwest corner of W. Orange Grove Road and N. Oracle Road. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS:**

**Co9-83-08**

1. ~~Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control District. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.~~
2. ~~Submittal of a development plan if determined necessary by the appropriate County agencies.~~
3. ~~Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.~~
4. ~~Recording of an acceptable plat which will provide for dedication of necessary rights-of-way for roads and drainage if the property is to be subdivided.~~
5. ~~Completion of the requirements for a rezoning ordinance within three (3) years from the date of approval by the Board of Supervisors.~~
6. ~~Recording of a covenant holding Pima County harmless in the event of flooding.~~
7. ~~Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control District.~~
8. ~~Recording of the necessary development-related covenants as determined appropriate by the various County agencies.~~
9. ~~Provision of development-related assurances as required by the appropriate agencies.~~
10. ~~Recording a covenant to the effect that there will be no further lot splitting or subdividing without written approval from the Board of Supervisors.~~
11. 2. Wastewater Reclamation conditions:

- A. The owner/developer 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 and 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.
- 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

~~12.3.~~ Transportation conditions:

- A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
- B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
- C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
- D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.

~~13.4.~~ Flood Control District conditions:

- A. The submittal of a hydrologic and hydraulic drainage study which explicitly details how Roller Coaster Wash will be contained and the effects this action will have on the developments located west of the site as well as downstream of the site.
- B. Dedication of all rights-of-way or easements for drainage as determined by Pima County's Flood Control District.
- C. Any channelization or encroachment would have to be planned such that it would terminate at the logical conclusion which would create no adverse flooding conditions to

adjoining properties, such as diverting flow, concentrating flow, or increasing flooding potential.

- D. If the above condition cannot be feasibly met, the applicant must obtain a hold harmless agreement, signed by all affected property owners, which indicates acceptance of drainage onto adjoining properties in the manner proposed.
- ~~14-5.~~ Landscaping to consist of low water use vegetation.
- ~~15-6.~~ CB-2 (General Business) zone uses are restricted to automated self-service car wash and the sale, rental and display of automobiles. Car washing associated with ~~for the sale, rental and display of automobiles~~ CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; ~~Self-service car wash~~; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- ~~16-7.~~ A solid masonry wall on the west side of the property and an acceptable buffer as approved by the Pima County Planning Department to be provided along the east and west sides of the property.
- ~~17-8.~~ Floodplain Ordinance violation must be resolved prior to the rezoning being forwarded to the Board of Supervisors.
- ~~18-9.~~ ~~The south 25 feet of the subject property will be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation.~~
- ~~19-10.~~ Adherence to the 2020 revised preliminary development plan ~~dated May 21, 2010~~ (Exhibit B).
- ~~20-11.~~ Use of an outdoor sound system shall be prohibited.
- ~~21-12.~~ Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- ~~22-13.~~ The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. ~~The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity.~~ A six-foot-high solid masonry wall shall be used in the west ~~405-foot~~ 23-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- ~~23-14.~~ The maximum building height shall be ~~45~~ 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- ~~24-15.~~ Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or east. Car wash operations for the ~~CB-2 use~~ sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. ~~Sale and rental~~ Office operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- ~~25-16.~~ Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- ~~26-17.~~ The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- ~~27-18.~~ Auto service bays shall open only to the north and east.
- ~~28-19.~~ Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00



a.m. unless the activity occurs within a loading bay or on the street side of the building.

~~29.20.~~ Cultural Resources condition:

A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

**Co9-93-08**

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.~~
- ~~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. Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.~~
- ~~6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Department of Transportation, Property Management Division.~~

~~7.2.~~ Wastewater Reclamation conditions:

- A. The owner/developer 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 and 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.
- 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- ~~8.3.~~ Adherence to the 2020 revised preliminary development plan ~~dated May 21, 2010~~ (Exhibit B).
- ~~9.4.~~ There shall not be an outdoor sound system used on this property.
- ~~10.5.~~ Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- ~~11.6.~~ CB-2 (General Business) zone uses are restricted to automated self-service car wash and the sale, rental and display of automobiles. Car washing associated with ~~for the sale, rental and display of automobiles~~ CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store; No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; ~~Self-service car wash~~; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- ~~12.7.~~ The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. ~~The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity.~~ A six-foot-high solid masonry wall shall be used in the west ~~105-foot~~ type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall. The maximum building height shall be ~~45~~ 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- ~~13.8.~~ Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east. Car wash operations for the ~~CB-2 use~~ sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. ~~Sale and rental~~ Office operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- ~~14.9.~~ Landscaping to consist of low water use vegetation.
- ~~15.10.~~ Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- ~~16.11.~~ The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- ~~17.12.~~ Auto service bays shall open only to the north and east.
- ~~18.13.~~ Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- ~~19.14.~~ Transportation conditions:
- A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.

- B. Written certification from Arizona Department of Transportation stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
  - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
  - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- ~~20-15.~~ Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

**Co9-00-35**

- ~~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.~~
- 6-1. There shall be no further lot splitting or subdividing of residential development without written approval from the Board of Supervisors.
- ~~7-2.~~ Transportation conditions:
  - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
  - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to development services department prior to approval of a development plan and subdivision plat.
  - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
  - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- ~~8-3.~~ Flood Control District 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.
- ~~9-4.~~ CB-2 (General Business) zone uses are restricted to automated self-service car wash and the sale, rental and display of automobiles. Car washing associated with ~~for the sale, rental and display of automobiles~~ CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north

or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; ~~Self-service car wash~~; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.

- ~~10-5.~~ Adherence to the 2020 revised preliminary development plan ~~dated May 21, 2010~~ (Exhibit B).
- ~~11-6.~~ Use of an outdoor sound system shall be prohibited.
- ~~12-7.~~ Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- ~~13-8.~~ The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. ~~The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity.~~ A six-foot-high solid masonry wall shall be used in the west ~~405-foot~~ type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- ~~14-9.~~ The maximum building height shall be ~~45~~ 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- ~~15-10.~~ Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east. Car wash operations for the ~~CB-2 use~~ sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. ~~Sale and rental~~ Office operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- ~~16-11.~~ Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- ~~17-12.~~ The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- ~~18-13.~~ Auto service bays shall open only to the north and east.
- ~~19-14.~~ Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- ~~20-15.~~ Wastewater Reclamation conditions:
  - A. The owner/developer 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 and 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.
- 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

24-16. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

The motion **PASSED** 7-0 (Commissioners Bain, Cook and Hook were absent).

**10. BOARD OF SUPERVISORS DISPOSITION OF CASES**

**11. ADJOURNMENT**

Meeting adjourned at 11:25 a.m.

The meeting summary will be posted on the website at <http://pima.gov/DSDBCC/>