



Pima County  
Planning and Zoning Commission

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

**Meeting Summary  
02-26-2020**

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) The pre-meeting was called to order at 8:45 a.m. and the regular meeting of the Planning and Zoning Commission was called to order at 9:00 a.m. at Pima County Administration Building, Board of Supervisors Hearing Room, 130 W. Congress St., 1st Floor, Tucson, AZ 85701.

2) ROLL CALL

**PRESENT**

**ABSENT**

- District 1 Jodi Bain  
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

District 4 David Hook

**NINE MEMBERS PRESENT**

**ALSO PRESENT**

Chris Poirier, Planning Official & Executive Secretary  
Tom Drzazgowski, Chief Zoning Inspector  
Terri Tillman, Principal Planner

Joseph Godoy, Site Review Project Mgr.  
David Takaki, Site Review Project Mgr.  
Greg Saxe, Environmental Plan. Mgr., RFCD.

3) PLEDGE OF ALLEGIANCE

4) CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of January 29, 2019 Summary.  
The motion **PASSED** 6 – 0 (Commissioners Bain, Becker, Hook and Membrila were absent).

5) CALL TO THE PUBLIC

No one from the public spoke.

## HEARINGS

### REZONINGS

- 6) **P19RZ00008 UNISOURCE ENERGY CORP – N. LA CHOLLA BOULEVARD REZONING**  
Unisource Energy Corp. represented by Jeffrey Stanley requests a **rezoning** of approximately 1.74 acres from the SH (Suburban Homestead) to the CB-2 (General Business) zone located approximately 270 feet south of W. River Road on the west side of La Cholla Boulevard, addressed as **5341 N. La Cholla Boulevard**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center and Resource Sensitive. (District 1)

ON MOTION, it was:

Voted to recommend **APPROVE SUBJECT TO 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. Transportation conditions:
  - A. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
  - B. The property shall be limited to one (1) access point as depicted on the PDP.
  - C. The design of the driveway shall be made to restrict vehicles from turning into existing southbound left-turn lane directly across from the proposed entrance.
  - D. Relocation/Removal of the existing guardrail shall be as determined by the Department of Transportation during the permitting process.
3. Regional Flood Control District conditions:
  - A. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
  - B. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
4. Regional Wastewater Reclamation conditions:
  - A. The owner 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 to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner 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 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 shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources conditions: 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. 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 Becker and Hook were absent).

**7) P19RZ00010 YATES – N. COMO DRIVE REZONING**

Request of Ira Yates represented by the Planning Center for a **rezoning** of approximately 12.49 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, parcel code 225-43-0030, located approximately 300 feet north of E. Magee Road and 10 feet east of N. Como Drive addressed as **7801 N. La Cholla Boulevard**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**

The motion **FAILED** 4 – 5 (Commissioners Cook, Gungle, Maese, Matter and Tronsdal voted Nay; Commissioner Hook was absent).

ON MOTION, it was

Voted to recommend **DENIAL.**

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Primary access to the site from Magee Road shall be via existing ingress/egress easement through the commercial development to the south named Magee Center.
  - B. ~~Access to La Cholla Boulevard shall be provided for emergency response vehicles only via existing ingress/egress easement through the adjacent property to the east.~~

- C. A traffic study shall be submitted for review and approval by the Department of Transportation. Offsite improvements determined necessary as a result of the traffic impact study shall be the responsibility of the property owner/developer. The traffic study shall include an analysis of the existing driveway sight distance, crash history, and predictive crash analysis.
3. Regional Flood Control District condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points including water harvesting to support the riparian habitat mitigation area.
4. Regional Wastewater Reclamation Department conditions:
- G. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
- H. 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 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.
- I. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- J. The owner(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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- K. The owner(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, preliminary sewer layout, sewer construction plan or request for building permit.
- L. 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 rezoning area.
5. 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.
6. Cultural Resources condition: 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.

7. Adherence to the preliminary development plan as approved at public hearing. Lots 12-15 and 40-43 shall be one-story.
8. The western properties side yard walls shall be 6 feet in height with a minimum 4 foot high wall shall be located at the end of the cul-de-sac drive to prevent vehicular light trespass.
- ~~8.9.~~ 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.
- ~~9.10.~~ 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 to **DENY PASSED** 5 – 4 (Commissioners Bain, Membrilla, Becker and Johns voted Nay; Commissioner Hook was absent).

#### **8) P19RZ00013 ST. PHILIPS PLAZA - N. CAMPBELL AVENUE REZONING**

Request of St. Philips Plaza LLC, represented by MJM Consulting, Inc., for a **rezoning** of approximately 0.67 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone, on portions of properties with parcel codes 108-18-7060 and 108-18-7080, located about 400 feet southeast of the intersection of N. Campbell Avenue and E. River Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Community Activity Center land use. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**

1. CB-2 General Business uses shall be restricted to outdoor amplified live music venue (in Area 1-Courtyard only) and farmers market (on all CB-2 areas on the property); all CB-1 Local Business uses shall be permitted.
2. The amplified sound generated by the live outdoor music events shall be managed by a dedicated audio system to be installed, owned and operated by the plaza owner or their agent for the purposes of a consistent and metered sound level.
3. The dedicated audio system shall be designed and operated to focus its sound within the courtyard and to minimize sound propagation to off-site areas.
4. The sound generated by live outdoor music events shall not exceed 65 dBs between 7:00 AM and 10:00 PM and 58 dBs between 10:00 PM and 7:00 AM, as measured at the perimeter of the St. Philips Plaza property.
5. Adherence to the sketch plan as approved at public hearing.

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.”
7. 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.

The motion **PASSED** 9 – 0 (Commissioner Hook were absent).

- 9) BOARD OF SUPERVISORS DISPOSITION OF CASES
- 10) ADJOURNMENT – 1:50 PM

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