



Pima County
Planning and Zoning Commission

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

Meeting Summary
12-8-2021

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 *Jan Truitt*
*District 2 *Barbara Becker*
**Armando Membrila*
*District 3 *Tom Tronsdal, Vice-Chair*
**Ryan Maese*
*District 4 *David Hook, Chair*
**William Matter*
*District 5 *Bob Cook*
**Bruce Gungle*

ABSENT

District 1 Mark Hanna

NINE MEMBERS PRESENT

ALSO PRESENT

*Chris Poirier, Planning Official & Executive Secretary
*Tom Drzazgowski, Chief Zoning Inspector
*Donna Spicola, Planner & Commission Coordinator

*Terrill Tillman, Principal Planner
*Mark Holden, Principal Planner

**Present Virtually or Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of October 27, 2021.
The motion **PASSED** 9-0 (Commissioner Hanna was absent).

4. CALL TO THE PUBLIC

No one from the public spoke.

NEW HEARINGS

REZONINGS

5. **P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING**

JOT Properties LLC, represented by Balwinder Riat, requests a **rezoning** for approximately 2.65 acres (parcel code 140-07-001B) from the CI-1 (Light Industrial/Warehousing)(1.87 acres) and the CI-1 (AE) (Light Industrial/Warehousing – Airport Environs)(0.78 acres) zones to the CB-1 (Local Business)(1.87 acres) and the CB-1 (AE) (Local Business – Airport Environs)(0.78 acres) zones on property located approximately 260 feet southeast of the 1-10 Interchange and E. Irvington Road, addressed as **3704 E. Irvington Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Industrial. (District 2)

ON MOTION, it was

Voted to **CONTINUE** to the January 26, 2022 hearing:

The motion **PASSED** 9 - 0 (Commissioner Hanna was absent).

6. **P21RZ00016 MARKLAND INVESTMENTS LLC, ET AL – N. LA CHOLLA BOULEVARD REZONING**

Markland Investments LLC, et al. represented by Paradigm Land Design LLC request a **rezoning** of approximately 4.5 acres from the SR (Suburban Ranch) to the TR (Transitional) zone, parcel codes 101-09-020A and 101-09-1970, located at the northwest corner of the T-Intersection of N. La Cholla Boulevard and W. Rudasill Road. 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 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. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. The TIS shall include a complete analysis of the traffic signal for any new driveway proposed at the intersection. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Drainage entering the parcel along the eastern boundary within drainage easement granted to Pima County shall leave the existing basin and outlet as shown in the Capital Improvement Plan (CIP) number 4LCRIR, or provide drainage revisions that do not increase flood plain limits, velocities downstream, and do not increase ponding upstream. The project shall provide adequate access, from the roadway or access easement within the property, to publicly maintained features.

- C. The property shall be limited to one (1) access point on La Cholla Boulevard. Unless the existing driveway on La Cholla Boulevard north of Rudasill Road is utilized, the access shall be closed and improvements removed.
 - D. A shared private access easement between the rezoning site and the property to the south is required prior to Development Plan approval.
3. Regional Flood Control District conditions:
- A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - B. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
 - C. Drainage flows from existing upstream properties and infrastructure within La Cholla Boulevard shall be accepted onto the project at the same locations as in existing conditions without impacts exceeding the Regional Flood Control District (District) encroachment criteria or as directed by the Department of Transportation. Flows exiting the project shall be discharged at the same locations as in existing conditions unless infrastructure and alternate discharge points are approved by the District. Offsite grading and changes to existing infrastructure require property rights and permits.
4. Regional Wastewater Reclamation conditions:
- A. 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.
 - 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 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 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 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 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 rezoning area.

5. Environmental Planning condition: 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. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to preliminary development plan 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 the Arizona 2006 Private Property Rights Protection Act: "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** 9 - 0 (Commissioner Hanna was absent).

7. **P21RZ00017 THALMA LLC – W. INA ROAD REZONING**

Thalma LLC requests a **rezoning** from CR-1 (Single Residence) to TR (Transitional) zone on approximately .83 acres. The property is located on the north side of W. Ina Road, approximately 170 feet east of the T-intersection of N. Leonardo DaVinci Way and W. Ina Road addressed as **1102 W. Ina Road**, The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL 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 condition: An auxiliary right-turn lane warrant analysis shall be submitted for review and approval by the Department of Transportation with the Development Plan or Building Plan submittal. Offsite improvements determined necessary as a result of the auxiliary right-turn lane warrant analysis shall be provided by the property owner.
3. Regional Wastewater Reclamation conditions:

- A. The owner(s) 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(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 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 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 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 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 rezoning area.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
 5. 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.
 6. Adherence to the sketch plan approved at public hearing.

7. Hours of operation are limited to 9:00 am through 9:00 pm, Monday through Saturday.
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 the Private Property Rights Protection Act: "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** 9 - 0 (Commissioner Hanna was absent).

8. BOARD OF SUPERVISORS DISPOSITION OF CASES
9. ADJOURNMENT

Meeting adjourned at 9:54 a.m.

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