



Pima County
Planning and Zoning Commission

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

**Meeting Summary
1-27-2021**

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

ABSENT

- District 1 *Jodi Bain
- *Brad Johns, Chair
- District 2 *Barbara Becker, Vice-Chair
- *Armando Membrilla
- District 3 *Ryan Maese
- *Tom Tronsdal
- District 4 *David Hook
- *William Matter
- District 5 *Bob Cook
- *Bruce Gungle

TEN MEMBERS PRESENT

ALSO PRESENT

- *Chris Poirier, Planning Official & Executive Secretary
- *Mark Holden, Principal Planner
- *Donna Spicola, Planner & Commission Coordinator
- *Tom Drzazgowski, Chief Zoning Inspector
- *Terri Tillman, Principal Planner
- *Ann Moynihan, Civil Engineer Manager

**Present Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summary of November 25, 2020.
The motion **PASSED** (10 – 0 Commissioner Hook ABSTAINED).

4. CALL TO THE PUBLIC

No one from the public spoke.

NEW HEARINGS

REZONING

5. **P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE REZONING**

Mortgage Equities XVI, LLC represented by Rick Engineering Company, Inc., requests a **rezoning** of approximately 139.4 acres (parcel codes 138-29-002B, 002C, 002D, 002E, 002F, 002G and 002H) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone located at the northeast corner of the T-intersection of W. Hermans Road and S. Sorrel Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. (District 5)

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. The property owner shall dedicate the south 30 feet of the site's southern property boundary for Hermans Road right-of-way.
 - B. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - C. The number, location and design of said access points shall be determined at the Tentative Plat review process and it is subject to approval from the Department of Transportation. Internal circulation shall be revised to accommodate said access points.
 - D. Roadway improvements to Sorrel Lane that meets Pima County Standards will be required for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Improvements to Sorrel lane shall match the existing roadway cross section width. The exact improvement length to Sorrel Lane shall be determined during the Tentative Plat/Development Plan review process.
3. Regional Flood Control District conditions:
 - A. Federal Emergency Management Agency (FEMA) approval of the Conditional Letter of Map Revision is required prior to issuance of the grading permit.
 - B. If determined to be necessary, certain drainageways shall be dedicated in fee to the District after construction has been accepted.
 - C. The developer shall provide all-weather access on Sorrel Lane.
 - D. FEMA floodwall standards must be maintained adjacent to Mission West subdivision.
 - E. Inspection and maintenance of drainage infrastructure shall be required after both the winter and summer storm seasons and after significant storm events.
 - F. Drainage improvements shall be enhanced with native riparian vegetation and Pima County Regulated Riparian Habitat mitigation shall occur on-site.
 - G. 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.

- H. A will serve letter from a Designated Water Provider shall be submitted with the Tentative Plat.
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 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, including a maximum height of 30 feet and only single-story dwellings along the perimeter of the site.

8. Natural Resources, Park and Recreation condition: The West Branch of the Santa Cruz single-track trail ST-014 shall be dedicated to Pima County and built to County standards.
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.
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(I)."

The motion **PASSED** 10-0.

6. **P20RZ00012 ARIAS, ET AL. - W. DREXEL ROAD REZONING**

Andres Arias and Yesenia Fimbres request a **rezoning** of approximately .83 acres from the GR-1 (Rural Residential) to the CMH-1 (County Manufactured and Mobile Home-1) zone, located at the southwest corner of W. Drexel Road and S. Cardinal Avenue, and addressed as **2905 W. Drexel Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Low Intensity Urban 3.0. (District 5)

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 1-foot no access easement shall be provided along the northern property boundary prior to the issuance of a building permit.
 - B. One access shall be allowed and shall be located between the southeast corner of the site and the beginning of the northbound left-turn storage lane on Cardinal Avenue.
 - C. An ingress/egress easement for legal access between the properties is required prior to the issuance of a building permit. The location and design of said ingress/egress easement shall be determined during the building permitting process. All lots shall be paved (chip sealed) within six (6) months of the issuance of a building permit.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. 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 owners(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. 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.
 5. Adherence to the sketch plan as approved at public hearing.
 6. 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.
 7. 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** 10-0.

7. P20RZ00013 BORK - N. TOMAHAWK TRAIL REZONING

Jeffrey and Jasmine Daneri Bork request a **rezoning** of approximately 3.3 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone, located at the northeast corner of E. Glenn Street and N. Tomahawk Trail and addressed as **2840 N. Tomahawk Trail**. The

proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Low Intensity Urban 1.2. (District 4)

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. Flood Control Condition: Floodplain limits and erosion hazard setbacks shall be determined at the time of development, and a Floodplain Use Permit is required.
3. 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.
4. The owner(s) shall dedicate a Non-Motorized Trail easement to Pima County and construct the Tanque Verde Road single track trail in accordance with the Pima County Standards.
5. Adherence to the sketch plan as approved at public hearing.
6. The maximum number of lots is two.
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.
8. 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)."
9. Maximum height is limited to 24' and one story.

The motion **PASSED** 10-0.

8. **P20RZ00014 STEWART TITLE AND TRUST TR 3734 – W. CURTIS ROAD REZONING**
Stewart Title and Trust TR 3734, represented by The WLB Group, requests a **rezoning** of approximately 1.28 acres from the CR-5 (Multiple Residence) to the CI-1 (Light Industrial-Warehousing) zone located at the southwest corner of W. Curtis Road and N. Davis Avenue, addressed as **2811 W. Curtis Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Higher Intensity Urban. (District 3)

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. The property owner/developer shall dedicate 25 feet right-of-way for the corner spandrel at the northeast property boundary for Curtis Road and Davis Avenue.
 - B. The location and design of the bus stop shall be subject to approval by the Department of Transportation at the time of development plan submittal.
3. 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.
4. 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.
5. 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.

6. Adherence to the preliminary development plan as approved at public hearing.
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.
8. 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** 10-0.

9. **P20RZ00015 CASAS ADOBES BAPTIST CHURCH – W. INA ROAD REZONING**

Casas Adobes Baptist Church, represented by Paradigm Land Design LLC, requests a **rezoning** of approximately 1.5 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone, located 800 feet west of the intersection of W. Ina Road and N. La Cholla Boulevard and addressed as **2265 W. Ina Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Community Activity Center (CAC). (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. Drive-through restaurants shall not be allowed.
3. No communication towers or cluster antennas shall be allowed on the Property. Antennas on the building shall be restricted to no more than six feet (6') above the building roof height.
4. No billboards shall be permitted on the Property.
5. External lighting is restricted to that which is necessary for safety and security and shall, under no circumstances, be directed toward or spill over into residential neighborhoods. All parking lot lighting shall be shielded and directed downward to reduce dispersal of ambient light into night sky. High-pressure sodium, mercury vapor, halogen, or flood lighting is prohibited.
6. Light spillage from building identification signage shall be screened from view with planting materials from adjacent residential areas to the south and west from the Property when viewed at grade. No signs above the roofline and no floodlighting on signs shall be permitted. Illuminated building identification signs shall not be permitted on the south-facing building walls.
7. Trash collection shall be coordinated to avoid multiple pick-ups in order to minimize disruptions to adjacent neighborhoods, and shall occur only between 8:00 AM to 8:00 PM.
8. Trash dumpsters shall be fully screened with masonry walls, buildings or other structures, or landscaping if dumpsters open to neighborhoods to the south or west.

9. Deliveries shall not be permitted adjacent to residential neighborhoods on the south and west sides of the Property between 9:00 PM and 7:00 AM.
10. Delivery trucks shall not be parked near or within designated delivery or loading areas with motors, refrigeration or generators running during non-delivery hours.
11. The property owner(s) shall continue to meet the terms of the recorded voluntary contract with specified adjacent property owners, describing the use, design and construction limitations on the property. Pima County shall not be responsible for enforcing this agreement.
12. 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.
13. Adherence to the sketch plan as approved at public hearing.
14. 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)."
15. 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** 9-1 (Commissioner Maese voted nay).

10. BOARD OF SUPERVISORS DISPOSITION OF CASES

11. ADJOURNMENT

Meeting adjourned at 10:55 a.m.

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