



Pima County

MEETING LOCATION  
Virtual

Planning and Zoning Commission

Meeting Summary

7-6-2022

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
- District 3 \*Ryan Maese
- \*Tom Tronsdal, Vice-Chair
- District 4 \*David Hook, Chair
- District 5 \*Bruce Gungle

**ABSENT**

- District 1 \*Mark Hanna
- District 2 \*Armando Membrilla
- District 4 \*William Matter
- District 5 \*Bob Cook

**SIX MEMBERS PRESENT**

**ALSO PRESENT**

- \*Chris Poirier, Planning Official & Executive Secretary
- \*Tom Drzazgowski, Chief Zoning Inspector
- \*Donna Spicola, Senior Planner & Commission Coordinator
- \*Terrill Tillman, Principal Planner
- \*Anita McNamara, Senior Planner
- \*Joseph Godoy, Project Manager

*\*Present Virtually or Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CALL TO THE PUBLIC

No one from the public spoke.

# **\*\*SPECIAL MEETING\*\***

## **NEW HEARINGS**

### **REZONINGS**

#### **4. P22RZ00004 WONG LIVING TRUST – W. VALENCIA ROAD REZONING**

Wong Living Trust, represented by Projects International Inc., request a **rezoning** of approximately 38.19 acres (parcel code 137-19-004D) from the GR-1 (Rural Residential) (25.02 acres) and from the GR-1 (TDR) (Rural Residential – Transfer of Development Rights Receiving Area) (13.17 acres) to the CR-5 (Multiple Residence)(25.02 acres) and to the CR-5 (TDR) (Multiple Residence - Transfer of Development Rights Receiving Area) (13.17 acres) zone located on the north side of W. Valencia Road, approximately 700 feet west of the intersection of W. Valencia Road and S. Camino de la Tierra, addressed as **3450 W. Valencia Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor and Medium Low Intensity Urban. (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 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.
  - B. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
  - C. Three connection points are required for the site and/or as approved by the Department of Transportation. A maximum of one connection will be allowed on Valencia Road and it shall be aligned with Sorrel Lane to the south.
  - D. An ADA-accessible asphalt path or sidewalk shall be provided, at least 5 feet-wide, along the property's entire Valencia frontage. The location of the path shall be determined at time of permitting.
3. Regional Flood Control District conditions:
  - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
  - B. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the approved PDP is prohibited.
  - C. No development other than the road crossing will be allowed in the Zone A, Special Flood Hazard Area.
  - D. First flush retention shall be provided in Low Impact Development practices distributed throughout the subdivision.
  - E. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A 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(s) shall enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, 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 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.
  - G. 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.
8. View fencing, such as wrought fencing shall be installed along the width of the open space area and bufferyard adjacent to W. Bilby Road and W. Valencia Road to provide physical access control.
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 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** 5-1 (Commissioner Gungle voted NAY; Commissioners Hanna, Membrila, Matter and Cook were absent).

5. **P22RZ00005 ACM VENTURES LLC – S. WILMOT ROAD REZONING**

ACM Ventures LLC, represented by Projects International Inc., request a **rezoning** of approximately 18.02 acres (parcel code 140-45-0340) from the SH (TDR-RA) (Suburban Homestead – Transfer of Development Rights-Receiving Area) zone to the CB-2 (TDR-RA) (General Business – Transfer of Development Rights-Receiving Area) zone on property located on the west side of S. Wilmot Road, approximately one mile south of the intersection of S. Wilmot Road and E. Hermans Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Higher Intensity Urban. (District 2)

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. Prior to development plan or subdivision plat approval, written proof of coordination with the City of Tucson Department of Transportation is required regarding the number, location and design of access point(s).
  - B. Prior to development plan or subdivision plat approval, written proof of coordination with the City of Tucson Department of Transportation is required regarding traffic impacts to their roadway system.
3. Flood Control conditions:
  - A. The proposed bank protection shown on the Preliminary Development Plan shall be constructed for each lot at the same time through one permit.
  - B. The disturbance caused to the Regulated Riparian Habitat by the sewer and the bank protection shall be calculated and if required mitigated at the time of development.
  - C. The Regulated Riparian Habitat located within the Flood Control Resource Area shall

- be protected during construction and will remain undisturbed in perpetuity.
      - D. First flush retention shall be provided in Low Impact Development practices distributed throughout each lot.
      - E. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A 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(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) stating 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 is 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: 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. Tucson Airport Authority conditions:

A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.

B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

C. Applicable to residential uses only

The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.

The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux  
Manager of Planning  
Tucson Airport Authority  
7250 South Tucson Boulevard, Suite 300  
Tucson, AZ 85756

8. Adherence to the preliminary development plan as approved at public hearing.
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 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** 6-0 (Commissioners Hanna, Membrilla, Matter and Cook were absent).

6. **P22RZ00007 FROST HOLDING COMPANY NUMBER TWO LLC – N LA CANADA DRIVE REZONING**

Frost Holding Company Number Two LLC, represented by Steadfast Drafting and Design LLC, request a **rezoning** of approximately 1.66 acres (parcel code 104-01-068B) from the TR (Transitional) to the CB-2 (General Business) zone located at the southwest corner of W Roller Coaster Road and N La Canada Drive addressed as **5171 N La Canada Drive**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS with the added conditions requiring a block wall along west property line, limiting the use to RV or auto sales/storage and prohibiting the use of a PA system:**

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 existing access onto La Canada Drive shall remain open during business operations.
  - B. Property owner(s) shall provide off-site improvements adjacent to the site which will include widening for an auxiliary westbound right-turn lane on Roller Coaster Road.
  - C. The northern access onto Roller Coaster Road shall be exit only unless approved by the Department of Transportation.
3. Regional Flood Control District conditions:
  - A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
  - B. Offsite hydrology shall be based on the best available data at the time of development and shall be approved by the District prior to submittal of the drainage report.
  - C. 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.
4. Environmental Planning conditions:
  - A. 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.
  - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

5. Adherence to preliminary development plan approved at public hearing with the addition of a block wall along the western property line and that the use shall be limited to RV or auto sales/storage.
6. There shall be no use of outdoor audio amplification (PA system).
67. 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.
78. The property owner shall execute the following disclaimer regarding the Arizona 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** 6-0 (Commissioners Hanna, Membrila, Matter and Cook were absent).

#### UNADVERTISED HEARING

7. **P22TA00004 and P22TA00005 Non-Code Ordinances for Development Services Permitting Fees and Regional Wastewater Reclamation Department Permitting Fees.**

ON MOTION, it was

Voted to recommend **APPROVAL**

The motion **PASSED** 6-0 (Commissioners Hanna, Membrila, Matter and Cook were absent).

8. BOARD OF SUPERVISORS DISPOSITION OF CASES
9. ADJOURNMENT

Meeting adjourned at 10:38 a.m.

The meeting summary will be posted on the website at:  
[Planning and Zoning Commission Information - Pima County](#)