

PINAL COUNTY HEARING OFFICE  
(PO NUMBER 243360)

Morning Session

8:30 a.m.

February 10, 2022

Pinal County Superior Court Administration Building  
971 N. Jason Lopez Circle, Building A, 3<sup>rd</sup> Floor  
Florence, Arizona 85132

INDEX:

Respondent	Case No.	Activity/ Complaint No.
Alimohamed Anjum	ZO-08-18-015	CC-0037-18

TRANSCRIPTION PROVIDED BY

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ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1 KILE: Good morning, my name is Arlene Kile, hearing  
2 officer for Pinal County. These proceedings will be recorded  
3 for the purpose of creating a permanent record and transcript,  
4 and we do ask that you remain quiet during the proceedings.  
5 We're going to begin with case number ZO-08-18-015, Complaint  
6 number CC-0037-18. Parcel number is 510-07-019 and 510-07-  
7 020, in the matter of the Islamic Cultural Center. And it is  
8 a violation of the Pinal County Development Services Code,  
9 ordinance number 021010, based on the following: It's a  
10 violation of Section 2.200.010, that the defendant has used  
11 his or her property to initiate a cemetery without first  
12 completing the site plan review of the proposed amendment.  
13 All parties planning to testify, please stand and raise your  
14 right hand to be sworn in. Do you solemnly swear or affirm  
15 that the testimony you're about to give is the truth, the  
16 whole truth and nothing but the truth, so help you God?

17 MULLENIX: I do.

18 KILE: Thank you. The attorney didn't have to  
19 because you're already sworn in as his counselor. So we're  
20 going to - the County will present their testimony and then  
21 you will have a chance to respond to that, okay?

22 MULLENIX: My name is Paula Mullenix, I'm the code  
23 compliance manager for Pinal County. This case was previously  
24 heard by the Civil Hearing Office here, and it was heard on  
25 October 10, 2019, and at that time they were found to be in

1 violation. And I'll read the order just to refresh our memory  
2 because it has been a few years since then. 10/10/2019  
3 hearing. All parties present and sworn in. Respondent - and  
4 I'm going to butcher the name, and I apologize - Alimohamed  
5 Anjum, present; County planner, Sangeeta Deokar present and  
6 sworn in. County Code Compliance Manager, testifies to cited  
7 violation and submits documents into evidence. The special  
8 use permit has been rejected and a refund has been issued.  
9 Respondent's architect testifies to the cited violation and  
10 plans. Sangeeta testified it's been over a year with no  
11 action. County testifies the respondent does not have legal  
12 access to continue the funerals and they must stop the use -  
13 and a stop use has been issued. County states site plan  
14 review is required and if respondent wants to pursue five  
15 acres, then an SUP is required. Per hearing officer, case has  
16 a continuance and is ready to allow respondent time to move  
17 forward with temporary use permit. Next hearing date is  
18 scheduled for December 12, 2019. Just a little explanation on  
19 that SUP and the five acres. They were going to - they did  
20 purchase five acres to the east of this property, and the  
21 cemetery itself is the two parcel numbers, like it's been  
22 already stated, and that five acres is a GR zoning. So if  
23 they wanted to include that in the site plan review for the  
24 parking, since they don't have really good area to park in the  
25 actual cemetery, they were going to have to go through

1 additional plans, possibly even rezone if they didn't want to  
2 do the SUP. That was what Sangeeta, the planner, had  
3 recommended at that time. Since then, we have granted them, a  
4 few temporary use permits to allow them to continue with the  
5 services, and the first -

6 KILE: So the SUP was originally rejected, but then  
7 you -

8 MULLENIX: Okay, that - the one they had way back,  
9 it had - since they didn't do a site plan review, it was  
10 voided. I think it had an expiration date on it when they  
11 applied for it.

12 KILE: Okay. So it was applied for. It was  
13 rejected because he never submitted the site plan.

14 MULLENIX: Yeah, everything wasn't submitted, and so  
15 this was, they were saying they have to do a new one for this  
16 parcel, if they wanted to do it. And they had also  
17 recommended that they wanted them to combine the parcels so  
18 that it was all - basically what they wanted was for them to  
19 combine all three parcels, either rezone all of it to the  
20 appropriate zoning, or put an SUP for the GR. So that's  
21 planning issues, what they wanted them to do. However, to  
22 give them time to do that, they've had two temporary use  
23 permits, or one that was continued, and it expired the  
24 beginning of May of 2021. And at that time they applied for  
25 another one, TUP-008-21, and it was denied on May 14, '21 by

1 Lester Chow, and he said he was not going to continue it  
2 because they were dragging their feet. Since they were being  
3 allowed to have services, they were just dragging their feet  
4 on getting this taken care of. So here we are four years  
5 later and we've decided to go ahead and continue with this. I  
6 did email the complainant yesterday. She responded and said  
7 she was shocked to hear they weren't supposed to be having  
8 services, and she said they had a service on Monday of this  
9 week and she claimed it's every day, every other day, they're  
10 having services on the lot. So I was surprised at that  
11 because they were not supposed to do that when they couldn't  
12 get their TUP. So my recommendation today is to go ahead and  
13 fine them based on the Count 1, which is our site plan review  
14 section of the ordinance, so that we can go ahead and proceed  
15 to superior court, if the county attorneys - I will give this  
16 case over to the County attorneys, and if it's they would like  
17 to, I would give my recommendation to take it to superior  
18 court. Because basically they're just continuing with what  
19 they want and they're not doing what they should be. This  
20 week, I had Evan Evangelopoulos contact me, who's a planner,  
21 and he said, oh, they made contact with us. And he said, I've  
22 had - I guess the person who's going to be doing the work on  
23 this contact him, and he was like, oh I guess they're going to  
24 move forward with it. And then I told him, and I said did  
25 they get legal access yet, that's what we've been waiting for.

1 And he called them back and they said no, we don't have legal  
2 access yet. So my opinion is that they are starting to make  
3 contact again because we had this hearing this week. So - and  
4 that's all I have.

5 KILE: All right. Sir, do you have any questions  
6 for the County witness?

7 ABDALLAH: I don't have any questions. Would this  
8 be my time to speak?

9 KILE: Yes, you may proceed.

10 ABDALLAH: Thank you. Mr. Johnson and I spoke  
11 prior, but essentially what I would want to ask for is for a  
12 continuance so that Mr. Johnson and I can meet and collect  
13 information. I feel like there may be some, some confusion as  
14 to the parcels that are involved here. The respondent who  
15 received this notice, Anjum Alimohamed, Ms. Mullenix is  
16 correct that he owns a five acre piece of property that's  
17 zoned GR, which an SUP was applied for years ago and the SUP  
18 was expired or revoked, or something along those lines. But  
19 there are no burials taking place there, and there never have  
20 been.

21 KILE: The special use permit was rejected because  
22 they never got the correct information in. So it more or less  
23 expired before they -

24 ABDALLAH: Right. But there are no burials taking  
25 place there, and there never have been any burials taking

1 place there. The property where there are burials taking  
2 place is an adjacent 10 acre property that's east of those  
3 five acres, and that property has SR zoning, and that property  
4 was rezoned and approved by the Board of Supervisors some 30  
5 years ago for cemetery uses. And so that's where the burials  
6 are taking place. That party -

7 KILE: I'm sorry, can you respond to that?

8 MULLENIX: Yes. We're here today for that cemetery  
9 that - and it's not actually one ten acre parcel, it's two  
10 parcels that are the 019 and 020. Why we're here today is  
11 when that was approved by the Board of Supervisors - and I  
12 have that document here - they were told at the time they had  
13 to go through a site plan review, even though it was rezoned  
14 to SR. They never did do that. Therefore, that's why we have  
15 the problem with parking right now, and with the dirt road  
16 causing problems with the neighbors, because it's a regular  
17 dirt road, it should have never been allowed. Site plan  
18 review would have taken care of those issues and established  
19 parking. So they were not supposed to be having funerals or  
20 services on the parcels 019 and 020, which are the ones that  
21 are the actual cemetery now. And that was made very clear by  
22 Evan Evangelopoulos, and they were told that, that on those  
23 parcels. There was never any confusion. This case today  
24 doesn't have anything to do with that GR parcel because it is  
25 a vacant lot, there is no violations because nothing's being

1 done on it. So we are here today just for the cemetery that's  
2 out there now.

3 KILE: Okay, you may proceed.

4 ABDALLAH: All that said, I still think it's worth  
5 clarifying that most of the conversation has been about the  
6 five acre parcel that had that SUP, and so no burials are  
7 taking place there. The only burials that are taking place  
8 are on the combined 10 acres of cemetery property where  
9 burials have been taking place for 30 some years. I  
10 understand -

11 KILE: Which requires a site plan review, legal  
12 access.

13 ABDALLAH: Yes.

14 KILE: And that hasn't been obtained.

15 ABDALLAH: And so, you know, there are some very  
16 complicated issues with the access. The cemetery 30 years ago  
17 had dedicated some right-of-way to the County to establish  
18 some right-of-way under easements running north and south all  
19 the way down to the highway. It seems like there's a small  
20 triangle property where 15 feet is missing, but there is at  
21 least 15 feet of right-of-way going down all the way to the  
22 highway. There's a very short piece where - I don't know if  
23 it's - there's like it was a tax lien foreclosure or something  
24 having to do with the property there on the south end where a  
25 small sliver of right-of-way is missing there. But if you



1 were - if you look through the minutes of the hearings that  
2 took place 30 years ago, there is some discussion about just  
3 complete access not being there, and I forget who - Mr.  
4 Johnson and I spoke earlier, so I didn't bring things with me  
5 because I thought we'd be continuing to collect this  
6 information, but there is - but however, there is some  
7 discussion about the, I believe the supervisors not having an  
8 issue with the fact that there was no complete right-of-way  
9 going down all the way south. I don't know if that's because  
10 at the time of approval, the County's code was different than  
11 it is now, but this only came into light recently, two and a  
12 half years ago, because of a complaint from a neighbor. I can  
13 tell you that the Islamic Cultural Center, which owns the  
14 cemetery, has been working with the neighbor within the last  
15 six months, and they're on very good terms. You know,  
16 initially when they made the complaint they were not on good  
17 terms and there was an issue where one of the neighbors had,  
18 in the middle of an ongoing burial, had blocked the road with  
19 this truck and come out with a bat, and we do have video  
20 footage of all that. But now they, you know, now they're on  
21 good terms and they're working on moving forward with what  
22 they want to do with the road. I do know that they are  
23 working with the Public Works Department on paving the road in  
24 the future, and so obviously they'll need to make sure that  
25 all the appropriate right-of-way is collected from east and

1 west sides. We did have a neighborhood meeting at the  
2 property, I want to say three months ago, where notice was  
3 provided to all property owners, I believe, within at least a  
4 minimum - I think the County's requiring 600 feet, and we  
5 mailed to within 1,200 feet. No one, no one came to the  
6 neighborhood meeting, but you know, all of our contact  
7 information is available and anyone that wanted to attend and  
8 figure out what we were doing was given the opportunity.

9 KILE: This was all required under the application  
10 for this special use permit, is that correct, officer?

11 MULLENIX: Yeah, if that was what the neighborhood  
12 meeting was for, for that vacant parcel, which isn't why we're  
13 here today. But yeah, that would be part of it. Site plan  
14 review doesn't require neighborhood, but they probably were  
15 thinking they wanted to use that for parking.

16 KILE: You're focusing of that one parcel of GR,  
17 which is not, is not in the hearing today, it's the other  
18 parcels.

19 ABDALLAH: To give a little more background, so we  
20 have the existing cemetery, which is on a combined 10 acres,  
21 and then we have five acres to the west, which is where you  
22 had the SUP, which is owned by a different property owner, and  
23 then east of the 10 acres is another 10 acre property. The  
24 reason why we're going through a rezoning is not because the  
25 existing cemetery needs a rezoning, but because the west

1 parcel and the east parcel, if they're to be used as a  
2 cemetery in the future, they need to be rezoned. And because  
3 they're on each side, we're rezoning the entire thing as a  
4 package. And so we're, at the same time we're working to  
5 resolve this access issue because it's an issue that -

6 KILE: Which involved the other two properties?

7 ABDALLAH: Which involves all the properties,  
8 really, at the end of the day. And so it's a bit complicated  
9 because, one, the existing cemetery was rezoned 30 years ago,  
10 and so we have hundreds of burial sites there. And so it's  
11 ran by the Islamic Cultural Center, which is the most active  
12 Muslim mosque in Arizona, and this cemetery was created  
13 specifically for Muslim burials, and it's - Muslims are not  
14 able to be buried in - there's a specific, I guess there's a  
15 specific process for burying Muslims under the Islamic faith,  
16 where the burials have to take place in a certain direction,  
17 and you know, there's specific requirements, and so they can't  
18 be buried in other cemeteries in Pinal County and in Maricopa  
19 County, and so that's really the only, the only site where  
20 Muslims in Arizona can be buried. And so the reason why  
21 that's complicated is because it's operated by a nonprofit,  
22 which is the Islamic Cultural Center, and the board is  
23 constantly changing, and then we have this issue with the  
24 railroad, which is related to the rezoning, so all these  
25 things are working together. What I can tell you that in the

1 last six months, we have changed the architect and updated the  
2 site plan. We had an architect that we were working with pre-  
3 COVID lockdowns, I guess, and things were not working out, so  
4 we had to replace him because we weren't getting things  
5 expeditiously. So we replaced him. We've had the  
6 neighborhood meeting. We have made good progress with this  
7 neighbor that had complained, and we're working with Public  
8 Works on the railroad. We have collected information on the  
9 well. The County had asked for records on some of the site  
10 improvements that are there. There's a ramada and there's a  
11 bathroom. For some reason, the County couldn't find records  
12 of it, and so they asked us to produce those records. And so,  
13 you know, considering the board is changing all the time, we  
14 just recently were able to find the engineer that worked on  
15 that 20-some years ago, and so now we have those records. So  
16 I mean it's a combination of things. I understand it's, it's  
17 kind of, you know, moving slowly, but -

18 KILE: All right, thank you. Do you have anything  
19 further?

20 MULLENIX: Just again, my recommendation. This case  
21 has been going since 2018, and we've - the County has really  
22 bent over backwards to try and not disrupt the services. So  
23 to be honest, I'm very surprised we're here today that it  
24 wasn't a higher priority issue with them, and I would  
25 recommend a fine today. And then, because they will have

1 time, because it will be recommended to the attorney's office,  
2 and they can go ahead and get in discussions with the  
3 attorney's office.

4 KILE: Okay. All right, thank you. Okay, based on  
5 the testimony, I do believe, unfortunately, that - for you  
6 guys, that the County has bent over backwards to try to  
7 resolve this issue. It sounds like you're doing some work  
8 towards submitting the site plan, however, I feel they've had  
9 plenty of time and so I'm going to find the Cultural Center in  
10 violation and impose a penalty of \$750. You have the right to  
11 appeal to the Pinal County Board of Supervisors. They'll need  
12 to file their appeal in a timely manner or lose their right to  
13 do so. And this concludes case number ZO-08-18-015. Thank  
14 you.

15 ABDALLAH: Thank you.

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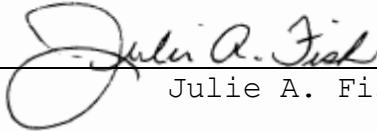
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