



**Subject: Co9-05-30**

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**FOR NOVEMBER 18, 2014 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Arlan M. Colton, Planning Director *AMC*  
Public Works-Development Services Department-Planning Division  
**DATE:** November 5, 2014

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**RESOLUTION FOR ADOPTION**

**Co9-05-30 STEWART TITLE & TRUST TR 1580 – KINNEY ROAD REZONING**  
Owner: Stewart Title & Trust TR 1580  
(District 3)

**If approved, adopt RESOLUTION NO. 2014 - \_\_\_\_\_**

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**OWNERS:** Stewart Title & Trust TR 1580  
Attn: Seymour Monte & Estelle Elliott  
581 Lakeview Canyon Rd.  
Westlake Village, CA 91362-5601

**AGENT:** The WLB Group, Inc.  
Attn: Gustav Paul Oland  
4444 E. Broadway Blvd.  
Tucson, AZ 85711

**DISTRICT:** 3

**STAFF CONTACT:** Terrill Tillman

CP/TT/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-05-30 File

RESOLUTION 2014-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-05-30 STEWART TITLE & TRUST #1580 – KINNEY ROAD REZONING; LOCATED ON THE NORTH SIDE OF IRVINGTON ROAD AND THE EAST AND WEST SIDES OF KINNEY ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-85.**

The Board of Supervisors of Pima County, Arizona finds that:

1. On March 6, 2007, in rezoning case Co9-05-30, the Pima County Board of Supervisors approved the rezoning of approximately 146.1 acres located on the North side of Irvington Road and the East and West sides of Kinney Road, as shown on Exhibit A, from GR-1 (Rural Residential) (143 acres) and GR-1 (BZ) (Rural Residential) (Buffer Overlay Zone) (3.1 acres) to CR-4 (Mixed Dwelling Type) (143 acres) and CR-4 (BZ) (Mixed Dwelling Type) (Buffer Overlay Zone) (3.1 acres), subject to standard and special conditions.
2. On September 15, 2009 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2009-85, recorded in Docket 13647 at Page 2467, rezoning the approximately 146.1 acres described in rezoning case Co9-05-30 and memorializing the standard and special conditions.
3. On October 26, 2011 the owner of approximately 146.1 acres, applied for a five-year time extension.
4. On March 6, 2012 the Pima County Board of Supervisors approved a five-year time extension with additional, modified standard and special rezoning conditions.
5. Section 3 of Ordinance No. 2009-85 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2009-85 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
6. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors
7. Pima County Department of Transportation (PCDOT) conditions:
  - A. Provision of improvements to Irvington Road and Kinney Road, as determined necessary by the Department of Transportation, that may include, but are not limited to, appropriately designed continuous right-turn deceleration lanes and appropriately designed acceleration lanes, and adjacent improvements such as pavement, curb, sidewalk, drainage, storm drains, etc. Specific improvements shall be determined when the required Traffic Impact Study is reviewed.
  - B. The number, location and design of the access points to the subject property shall need the approval of the Department of Transportation at the time of submittal of a Development Plan or Subdivision Plat for the subject rezoning.
  - C. The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of on Irvington Road adjacent to the subject property to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
  - D. The property owner/developer shall may need to dedicate 30 feet additional right-of-way for the east and west half right-of-way respectively on Kinney Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan within the rezoning site.
8. Pima County Flood Control District ("Flood Control") conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
  - C. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
  - D. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
  - E. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the

- development plan/subdivision plat review.
- F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - G. All-weather access shall be provided to all lots to meet concurrency requirements.
  - H. A riparian mitigation plan shall be required for development in designated riparian areas.
  - I. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.
9. Pima County Regional Wastewater Reclamation Department (RWRD) conditions:
- A. The owner(s)/developer(s) shall construe no 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/developer to that effect.
  - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department 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, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have 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 Pima County Wastewater Management Department.
  - C. The owner(s)/developer(s) shall time the construction of 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)/developer(s) shall connect all new development within the rezoning area to Pima County's public sewer system in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - E. To serve new development within the rezoning area, and provide for future flow-through needs, the owner/developer shall fund, design and construct an on-site extension of the public sewerage system, and public flow-through sewers to the southernmost and easternmost boundaries of the rezoning area, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - F. All plans for landscaping, trails, etc. within the existing public sewer easement over existing 15" public sewer line (G-80-61) must be reviewed and approved by the Pima County Wastewater Management Department prior to construction.

- G. The owner(s)/developer(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.
10. Natural Resources, Parks and Recreation conditions:
- A. A Recreation Area Plan (RAP) shall be submitted and approved by Natural Resources, Parks and Recreation staff prior to the approval of the Tentative Plat. Items to be included in the RAP are listed below.
  - B. The developer shall construct Trail #115 Irvington Road Trail. The ten-foot wide trail shall be two-inches of decomposed granite compacted to 95% over native subgrade compacted to 95%.
  - C. The features required for six acres of recreation area include: water and electric lines to the park, 1-drinking fountain, trail linkage, signage, landscaping, irrigation, 30% turf area, 4-trash receptacles, 4-bicycle racks, 6-park benches, 1-shade structure, 4-picnic tables, 3-bar-b-que grills, 1-basketball court (56'x96'), 2-playground component, and 1-multi-use structure (5 piece).
  - D. The recreation features shall be completed prior to the release of assurances for 75% of the residential units.
11. Environmental Planning condition:  
Under no circumstances shall the following exotic plant species be planted anywhere on the site:
- Fountain grass (*Pennisetum setaceum*)
  - Buffelgrass (*Pennisetum ciliare*)
  - Johnson grass (*Sorghum halapense*)
  - Giant reed (*Arundo donax*)
  - Common crabgrass (*Digitaria sanguinalis*)
  - Pampas grass (*Cortaderia selloana*)
  - Red brome (*Bromus rubens*)
  - Mediterranean grass (*Schismus spp.*)
  - Tree of heaven (*Ailanthus altissima*)
  - African sumac (*Rhus lancea*)
  - Russian olive (*Eleagnus angustifolia*)
  - Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)
  - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
  - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
  - African rue (*Peganum harmala*)
  - Iceplant (*Mesembryanthemem crystallinum*)
  - Arabian grass (*Schisums arabicus*)
  - Natal grass (*Melinis repens*) (*Rhynchelythrum repens*)
12. Landscaping conditions:
- A. Saguaros transplanted on site and introduced as mitigation plants shall be

planted at a density of 1 saguaro per 60 square feet, on average, to be planted in groups of not more than 6 plants, and/or individual plants shall be staggered and spaced to avoid linear planting arrangements.

- B. All transplanted and introduced saguaros should be placed outside of the drip line of the tree at planting size, but close enough to receive shade and protection from the tree at mature size (within 12' of the base of the tree). Smaller sized saguaros (4' and under) should be placed closer to the base of the nurse tree and large saguaros (over 4') should be placed further from the base.
- 13. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
  - 14. In the event the subject property is annexed, the property owner(s) 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.
  - 15. Adherence to the preliminary development plan as approved at public hearing. (Exhibit "B")
  - 16. The owner(s)/developer(s) shall enter into an acceptable Development Agreement with Pima County regarding park dedication and native plant preservation prior to the issuance of zoning and/or building permits.
  - 17. The property owner(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows: "The property owner(s) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(s) 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 the property owner(s) any rights or claims under the Private Property Rights Protection Act, property owner(s) hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
  - 18. Adherence to the policies of the Comprehensive Plan Special Area Policy S-29 Southwest Infrastructure Plan:
    - A. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
    - B. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan. (Exhibit "C")
    - C. At a minimum, the majority of infrastructure and transportation costs shall be

self-funded by the developer.

Section 2. The time limit in Section 3 of Ordinance 2009-85 is amended and extended as follows:

1. Conditions 1 through 4718 shall be completed by March 6, ~~2012~~2017.

Section 3. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

Approved As To Form:

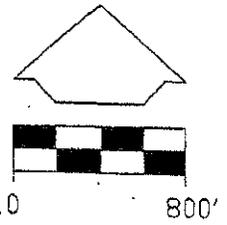
 9/22/14  
\_\_\_\_\_  
Deputy County Attorney

Approved:

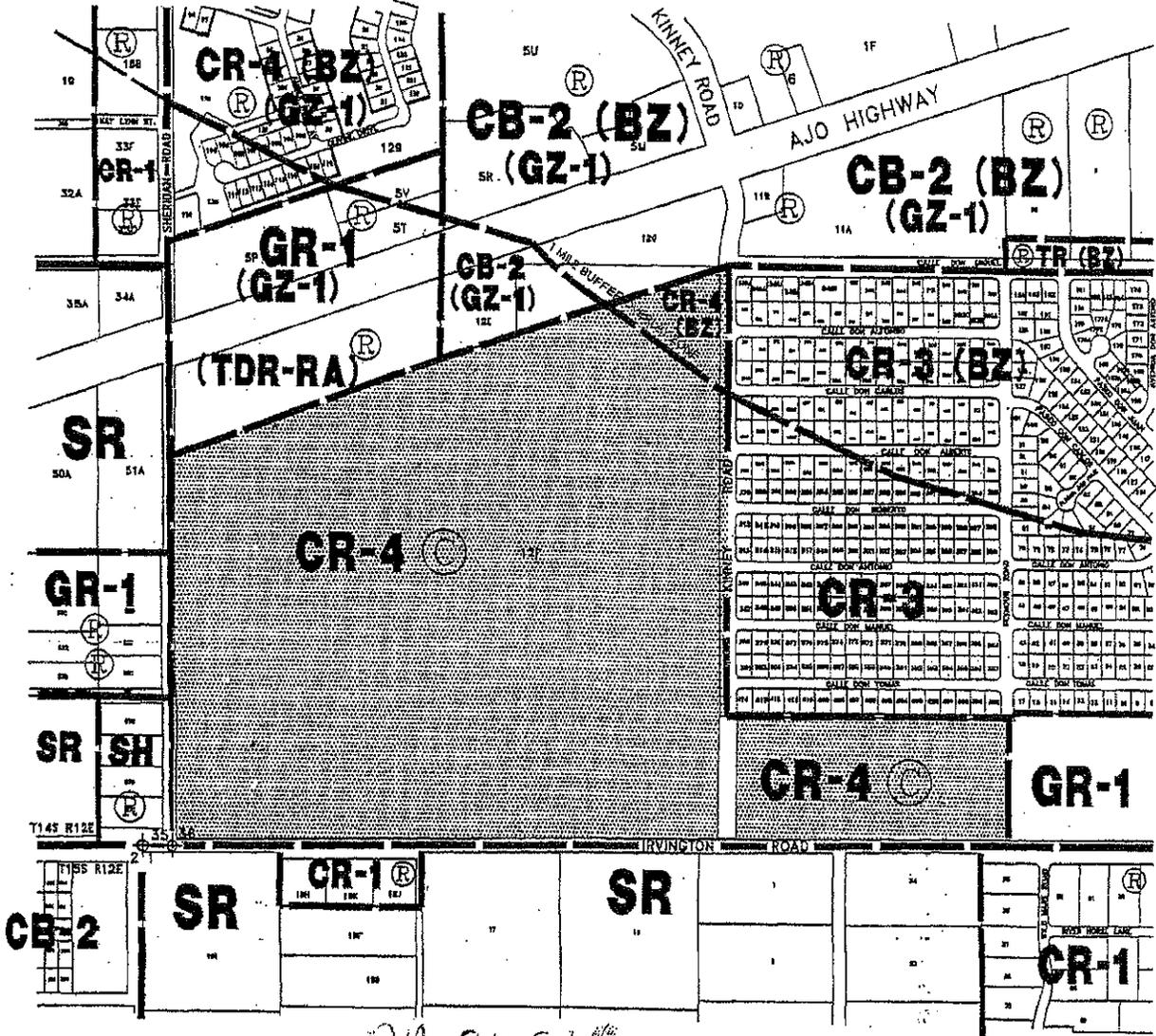
  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

# EXHIBIT "A"

AMENDMENT NO'S 24, 33, 57, 100 BY ORDINANCE NO. 2009-85  
 TO PIMA COUNTY ZONING MAP NO'S. 17, 36, 37, 38 TUCSON,  
 ARIZONA, A PORTION OF PARCEL 12F BEING A PART OF THE  
 S 1/2 OF SECTION 36, T14S R12E.



ADOPTED SEPTEMBER 15, 2009 EFFECTIVE SEPTEMBER 15, 2009



*all work*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

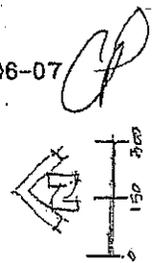
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 143.0 ac± & GR-1 (BZ) 3.1 ac±  
 DS - AUGUST 3, 2009

C69-05-30  
 Co7-00-20  
 212-50-012F PTN.

# EXHIBIT "B"

## PRELIMINARY DEVELOPMENT PLAN

APPROVED AT BOS PUBLIC HEARING 03-06-07

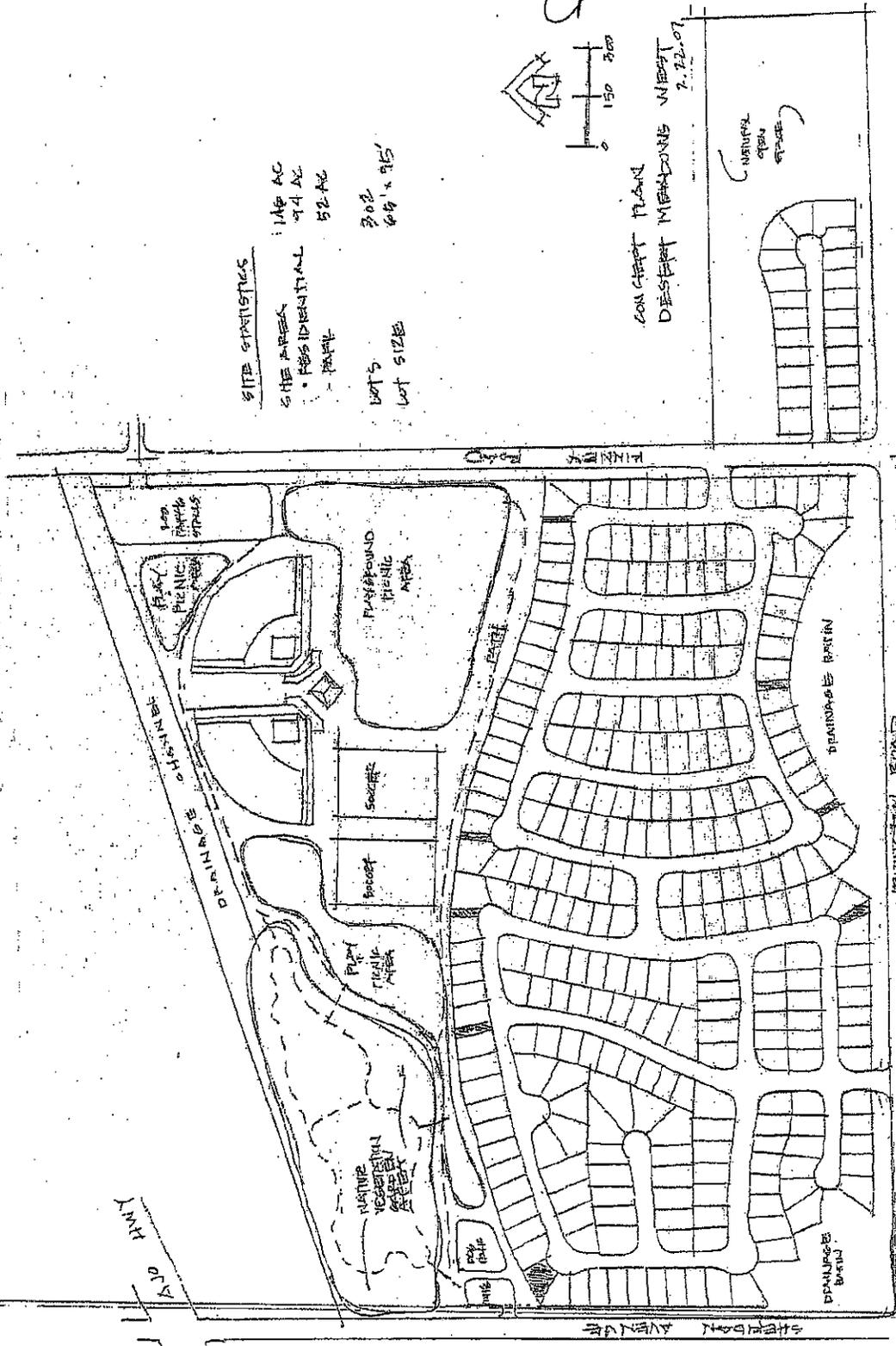


### SITE STATISTICS

SITE AREA: 116 AC  
• 94 AC  
• 52 AC  
• 52 AC

LOT SIZES: 302  
69' x 95'

CONCEPT PLAN  
DESERT MEADOWS WEST  
7.22.07



## EXHIBIT C

### **S-29 Southwest Infrastructure Plan (SWIP) Area (SW)**

#### **General location**

Generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O'odham Nation – San Xavier District on the south, and Sandario Road on the west, in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 14 South, Range 11 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 15 South, Range 11 East; Sections 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 14 South, Range 12 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Township 15 South, Range 12 East; Sections 30, 31, 32, 33, and 34 of Township 14 South, Range 13 East; and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 15 South, Range 13 East (Ref. Co7-07-31, Resolution 2009-24).

#### **Policies**

- A. **Comprehensive Planning:**
1. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
  2. New residential uses are incompatible within the one-half mile area from the bounds of the Tucson Trap and Skeet Club (Tax Code 210-12-0420). Any conflicts with policies approved under previous plan amendments shall be resolved at the time of the rezoning or specific plan.
  3. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan.
- B. **Environmental Planning:**  
At a minimum, applicable Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.
- C. **Flood Control District:**
1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
  2. Development shall not occur within the Black Wash Administrative Floodway.
- D. **Wastewater Management:**  
No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.
- E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.