



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 4/4/2023

*\*= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

ORDINANCE: P22RZ00001 TUCSON SCHOOL DISTRICT NO. 1 – S. CARDINAL AVENUE REZONING

**\*Introduction/Background:**

The Board of Supervisors approved this rezoning on November 1, 2022.

**\*Discussion:**

The rezoning was for approximately 60.9 acres from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone for a 273-lot, single-family residential subdivision with one and two-story dwelling units.

**\*Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**



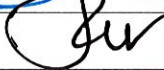
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**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services - Planning      Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner      Telephone: 520-724-6921

Department Director Signature:		Date:	3/15/23
Deputy County Administrator Signature:		Date:	3/15/2023
County Administrator Signature:		Date:	3/15/2023



Subject: P22RZ00001

Page 1 of 1

**APRIL 4, 2023 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director *CCP For*  
Public Works-Development Services Department-Planning Division  
**DATE:** March 14, 2023

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**ORDINANCE FOR ADOPTION**

**P22RZ00001 TUCSON SCHOOL DISTRICT NO. 1 – S. CARDINAL AVENUE REZONING**

Owners: Tucson School District No. 1  
(District 5)

**If approved, adopt ORDINANCE NO. 2023 - \_\_\_\_\_**

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**OWNERS:** Tucson School District No. 1  
530 S. Norris Avenue  
Tucson, AZ 85719

**AGENT:** Paradigm Land Design, LLC  
Attn: Paul Oland  
7090 N. Oracle Rd., #178-193  
Tucson, AZ 85704

**DISTRICT:** 5

**STAFF CONTACT:** Terrill L. Tillman, AICP, Principal Planner

**STAFF RECOMMENDATION:** APPROVAL

TD/TT  
Attachments

c: Paul Oland

ORDINANCE 2023 - \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 60.9 ACRES OF PROPERTY (PARCEL CODES 138-25-593L, 138-25-593M, 138-25-593N, 138-25-593P, AND 138-25-593Q) FROM THE GR-1 (RURAL RESIDENTIAL) TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P22RZ00001 TUCSON SCHOOL DISTRICT NO. 1 – S. CARDINAL AVENUE REZONING, LOCATED ON THE EAST SIDE OF S. CARDINAL AVENUE, APPROXIMATELY THREE HUNDRED FEET SOUTH OF THE INTERSECTION OF W. VALENCIA ROAD AND S. CARDINAL AVENUE, AMENDING PIMA COUNTY ZONING MAP NO. 62.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 60.9 acres located on the east side of S. Cardinal Avenue, approximately 300 feet south of the intersection of W. Valencia Road and S. Cardinal Avenue and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 62, is rezoned from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone subject to the conditions in this ordinance.

Section 2. Rezoning 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 Tentative Plat submittal. The TIS shall incorporate in the analysis any nearby and recently approved rezoning projects and developments as determined by the Department of Transportation. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
  - B. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5-wide, along the property's entire western property boundary within the Cardinal Avenue right-of-way providing access to the existing Sun Tran bus stop. The location of the path or sidewalk shall be determined at time of permitting.
  - C. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5-wide, along the property's entire eastern property boundary within the Westover Avenue right-of-way providing access to the neighboring subdivision and Walmart Neighborhood Market. The location of the path or sidewalk shall be determined at time of permitting.
  - D. The owner shall construct a dedicated right-turn lane from northbound Mission Road to eastbound Valencia Road. The design of the improvements shall be

- determined at the time of permitting and subject to Department of Transportation approval.
3. Regional Flood Control District conditions:
    - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
    - B. Drainage design shall not increase existing conditions water surface elevations and flow velocities at all property boundaries.
    - C. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
    - D. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the PDP is prohibited.
    - E. Impacts to Valencia Wash and the south offsite drainage infrastructure is prohibited.
    - F. 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. 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 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)/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 (Exhibit B) as approved at public hearing.
8. Radon resistant construction techniques must be used and shall comply with Appendix F of the 2018 International Residential Code (IRC).
9. A Disclosure to all purchasers of any lot within the subdivision shall be made at the time of purchase that radon gas exists on the lot and exposure may cause physical harm. This condition shall also be printed on each building permit issued by Pima County.
10. 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.
  - D. 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

11. 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.
12. 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(I)."

Section 3. Time limits of conditions. Conditions 1 through 12 of Section 2 shall be completed no later than November 1, 2027.

Section 4. 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.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

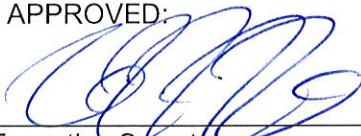
ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Krystal De La Ossa

APPROVED:

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

# EXHIBIT A

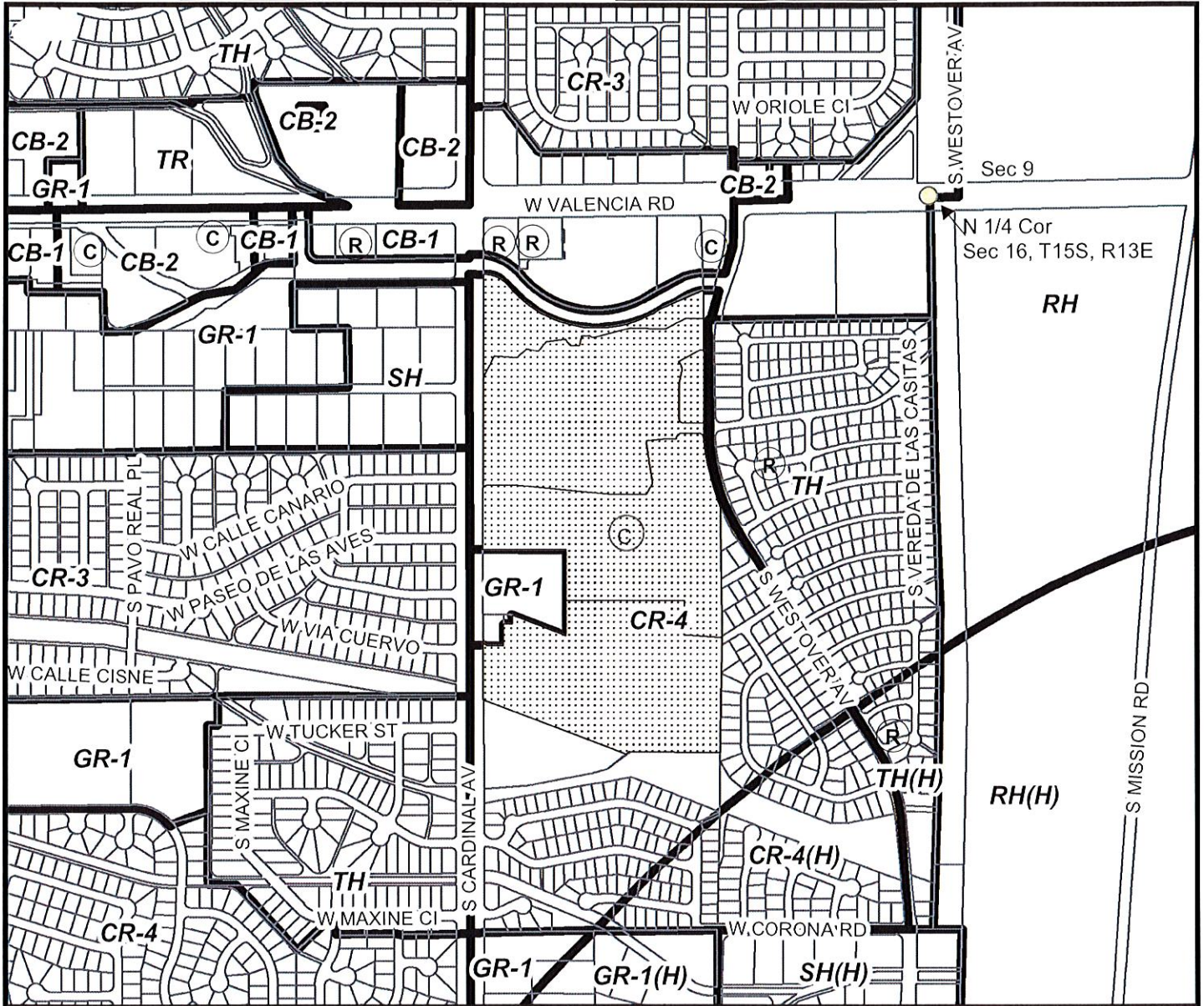
AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
 TO PIMA COUNTY ZONING MAP NO. 62 TUCSON AZ. BEING A  
 PART OF THE W 1/2 OF SECTION 16, T15S R13E.



0 205 410 820 Feet

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

**C** NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 60.9 ac  
 ds-January 3, 2023



P22RZ00001  
 13825593L, 593M,  
 593N, 593P, 593Q

**Property Data**

1. Property Area: 60.9± Ac.
2. Assessor Parcel(s): 138-25-593C
3. Existing Zoning: GR-1 (Pima Co.)
4. Existing Comp Plan: Medium-Low Intensity Urban, 2.5-5.0 Homes per Acre
5. Existing C.L.S.: None
6. Existing Riparian: Xeroriparian 'B' Along Southern Edge of Site

**Proposal Summary**

1. Zoning: CR-4
2. Lots: 273
3. Lot Size: 40' x 120'
4. Phasing:
 

Phase	Area	40'x120's	Rec. Area
Ph. 1	30.7± Ac.	145	4.26± Ac.
Ph. 2	30.2± Ac.	128	1.69± Ac.
	60.9± Ac.	273	5.95± Ac. (949 Sq. Ft / Lot)
5. Gross Density: 4.5 Homes per Acre

