



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 2/7/2023

*= Mandatory, information must be provided

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

***Title:**

RESOLUTION: Co9-05-30 STEWART TITLE & TRUST #1580 – KINNEY ROAD REZONING

***Introduction/Background:**

The Board of Supervisors approved a five-year time extension and a modification (substantial change) of rezoning condition #9 subject to modified standard and special rezoning conditions on September 6, 2022.

***Discussion:**

The time limit and rezoning conditions contained in Rezoning Ordinance 2009-85, amended by Resolution 2017-83 may be modified by resolution.

***Conclusion:**

The resolution reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**




1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: 	Date: <u>1/13/23</u>
Deputy County Administrator Signature: 	Date: <u>1/13/2023</u>
County Administrator Signature: 	Date: <u>1/14/2023</u>



Subject: Co9-05-30

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FEBRUARY 7, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division
DATE: January 17, 2023

RESOLUTION FOR ADOPTION

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

If approved, adopt RESOLUTION NO. 2023 - _____

OWNER: Stewart Title & Trust TR 1580
2238 Melford Ct.
Thousand Oaks CA 91361-5058

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

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

c: Paradigm Land Design LLC, Attn: Paul Oland

RESOLUTION 2023-_____

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 W. IRVINGTON ROAD AND THE EAST AND WEST SIDES OF S. KINNEY ROAD, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-85 AS AMENDED BY RESOLUTION NO. 2017-93.

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) and GR-1 (BZ) (Rural Residential – Buffer Overlay) zones to CR-4 (Mixed-Dwelling Type) and CR-4 (BZ) (Mixed-Dwelling type – Buffer Overlay) zones, subject to standard and special conditions.
2. On September 15, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance 2009-85, recorded at Sequence 20091820553, rezoning the approximate 146.1 acres described in rezoning case Co9-05-30 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-85.
4. On March 6, 2012, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. On November 18, 2014, the Pima County Board of Supervisors adopted Resolution No. 2014-111, recorded at Sequence 20143251414, memorializing the new rezoning time limit and modified standard and special conditions.
6. The owner of the rezoning site applied for a second five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-85, as amended by Resolution No. 2014-111.
7. On August 21, 2017, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year extension subject to modified standard and special conditions.
8. On December 12, 2017, the Pima County Board of Supervisors adopted Resolution No. 2017-93, recorded at Sequence 20173550708, memorializing the new rezoning time limit and modified standard and special conditions.
9. The owner of the rezoning site applied for a third five-year extension of the time limit and a modification (substantial change) of rezoning condition #9 which requires adherence to the approved preliminary development plan.

10. On September 6, 2022, the Pima County Board of Supervisors approved a five-year extension and the modification (substantial change) of rezoning condition subject to modified standard and special conditions.
11. Section 3 of Ordinance No. 2009-85, as amended by Resolution No. 2017-93 allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2009-85, as amended by Resolution No. 2017-93, are restated and modified as follows:

1. ~~The property owner~~ There shall not be no further lot splitting or subdivide the land subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. Provision of improvements to Irvington Road and Kinney Road addressing pavement and necessary roadway conditions that will be impacted by the rezoning. Specifically, this includes necessary upgrades to pavement and areas where the infrastructure is deficient as determined by a traffic impact study and approved by the Department of Transportation.
 - ~~B. Should the number of access points change, or access points be added to Sheridan Road, the rezoning conditions will need to be amended to address the conditions of Sheridan Road, necessary upgrades, and potential right-of-way dedications to mitigate the impact of a revised traffic pattern.~~
 - ~~CB.~~ The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of an Irvington Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
 - ~~DC.~~ The property owner/developer shall dedicate 30 feet 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 property for right-of-way purposes for Kinney Road to accommodate the Department of Transportation Kinney Road/Joseph Avenue realignment and planned roundabout at the Irvington Road/ Kinney Road/ Joseph Avenue intersection. The ultimate right-of-way dedication for the Kinney Road realignment and dedication for the northwest and northeast corner pieces for planned roundabout shall be well coordinated with DOT staff at time of tentative plat submittal.
 - ~~ED.~~ Pedestrian and bicycle connectivity shall be constructed between the parks, adjacent pedestrian facilities and all residential areas. Connectivity between different residential areas shall be constructed in a way to maximize circulation of pedestrians, bicycles and vehicles to all local amenities.
 - E. Prior to Subdivision Tentative Plat approval, written proof of coordination with the Arizona Department of Transportation is required regarding any traffic impacts to their roadway system.
 - F. 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 the Department of Transportation's project 4IRCAP in the analysis. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner.

3. 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.~~
- J. ~~Encroachment into Flood Control Resource Areas as shown on the Pima Prospects Regional Hydrology Maps shall be allowed with justification for encroachment, or detailed analyses revising the approximate Federal Emergency Management Agency Special Flood Hazard Zone where base flood elevations have not been determined is approved by the Regional Flood Control District. However, encroachment into underlying mapped riparian areas should be minimized. Encroachment into the post-developed 10-year floodplain on the project site shall be avoided.~~
- A. Channels, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
- B. Drainage design shall maintain existing conditions, water surface elevations and flow velocities at all property boundaries.
- C. All-weather access on Kinney Road is required.
- D. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
- E. This development shall meet Critical Basin detention requirements.
- F. First flush retention shall be distributed throughout the project site.
- G. Encroachment into mapped Regulated Riparian Habitat not shown on the approved PDP is prohibited.
- KH. 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.
4. 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) 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. To serve new development within the rezoning area, and provide for future flow-through needs, the owner(s) 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, preliminary sewer layout, sewer construction plan, or request for building permit.
 - G. 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 PCRWRD prior to construction.
 - H. 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. Natural Resources, Parks and Recreation conditions:
~~The required recreational area and recreation features shall be constructed within the rezoning area.~~

- 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 in #C.
 - B. The developer shall construct Trail #115, the Irvington Road Trail. The ten-foot-wide trail shall be two inches of decomposed granite (1/4 inch minus) 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; a trail linkage; signage; landscaping; irrigation; 30% turf area; 4 trash receptacles; 4 bicycle racks; 6 park benches; 1 shade structure; 4 picnic tables; 3 BBQ grills; 1 basketball court (56' x 96'); 2 playground components; a 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.
6. Environmental Planning condition:
Upon the effective date of the Resolution, 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.
7. 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.
8. 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.
9. Adherence to the revised preliminary development plan as approved at public hearing (Exhibit "B").
10. The owner(s)/developer(s) shall enter into an acceptable Development Agreement with Pima County regarding park dedication (to the HOA, etc) and native plant preservation prior to the issuance of zoning and/or building permits.
11. The property owner(s) shall execute the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: "The pProperty 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).”

12. 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. At the discretion of the Planning Official, 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, as amended by Resolution No. 2017-93 is amended and extended as follows:

1. Conditions 1 through 12 shall be completed by March 6, ~~2022~~2027.

Section 3. The rezoning conditions 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 _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:

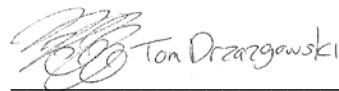
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney

APPROVED:

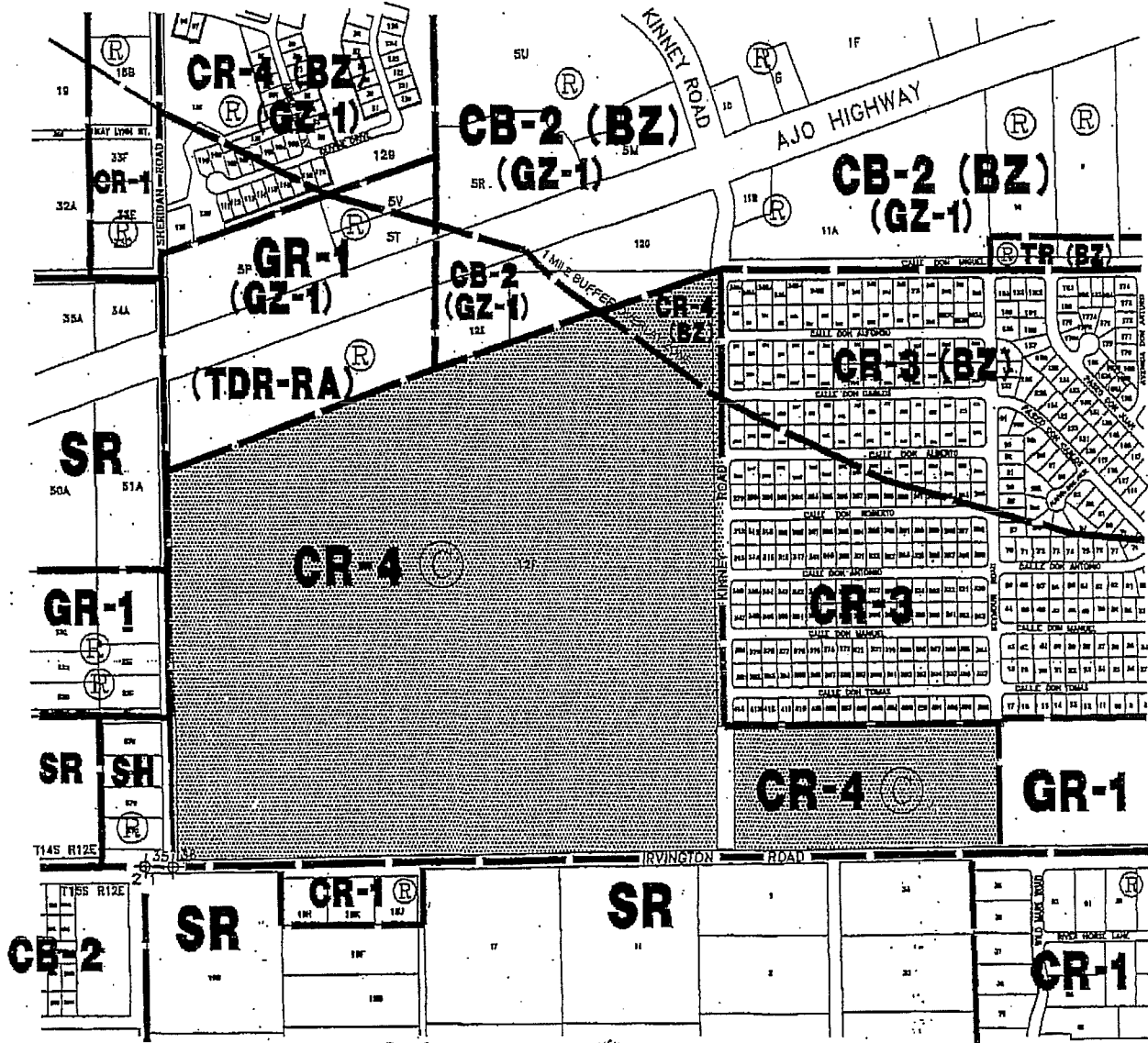
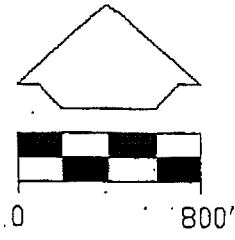


Executive Secretary
Planning and Zoning Commission

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



alman

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

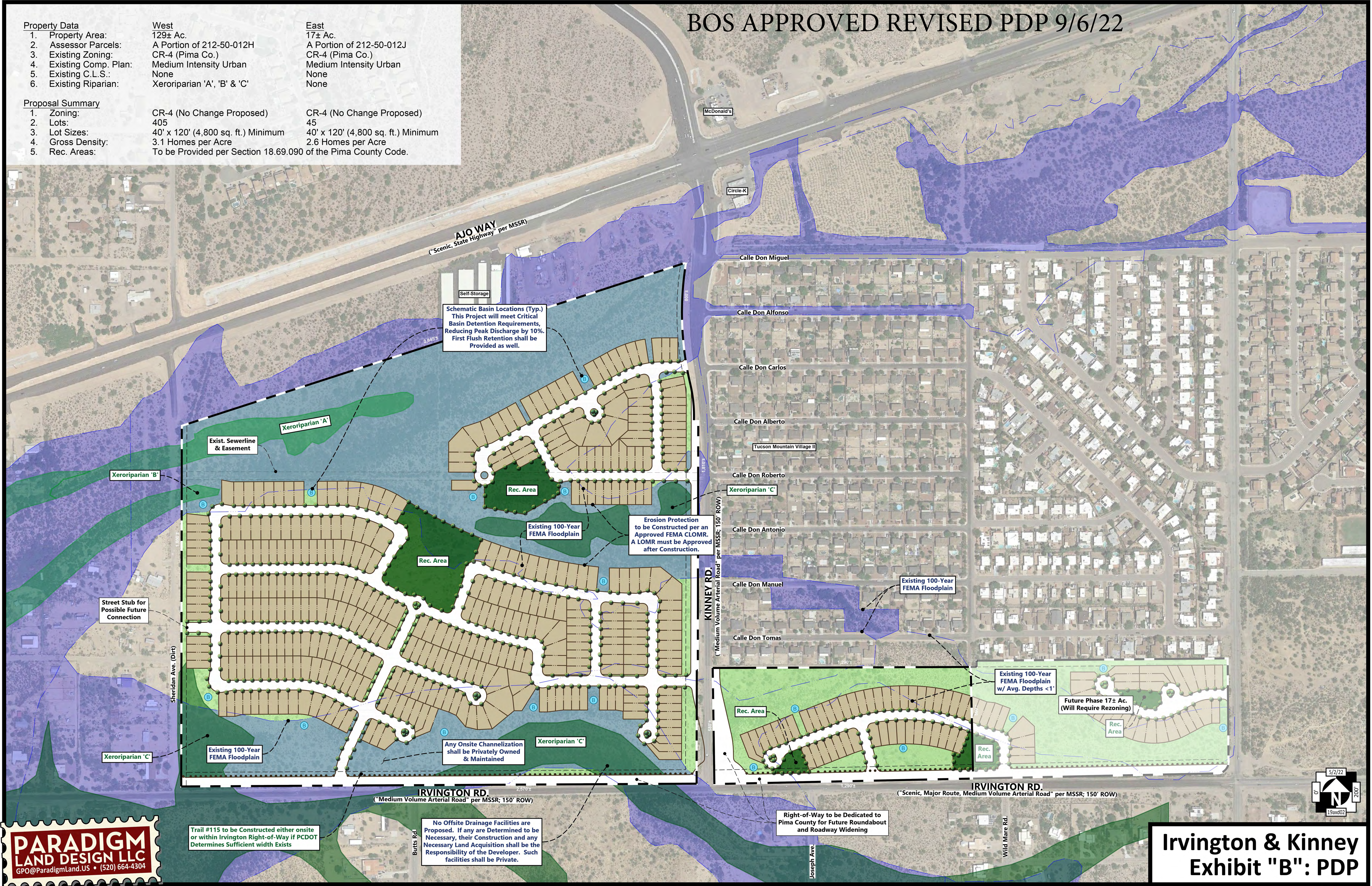
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM GR-1 143.0 ac± & GR-1 (BZ) 3.1 ac±
 DS - AUGUST 3, 2009

Co9-05-30
 Co7-00-20
 212-50-012F PTN.

BOS APPROVED REVISED PDP 9/6/22

Property Data		West	East
1. Property Area:		129± Ac.	17± Ac.
2. Assessor Parcels:		A Portion of 212-50-012H	A Portion of 212-50-012J
3. Existing Zoning:		CR-4 (Pima Co.)	CR-4 (Pima Co.)
4. Existing Comp. Plan:		Medium Intensity Urban	Medium Intensity Urban
5. Existing C.L.S.:		None	None
6. Existing Riparian:		Xeroriparian 'A', 'B' & 'C'	None

Proposal Summary		
1. Zoning:	CR-4 (No Change Proposed)	CR-4 (No Change Proposed)
2. Lots:	405	45
3. Lot Sizes:	40' x 120' (4,800 sq. ft.) Minimum	40' x 120' (4,800 sq. ft.) Minimum
4. Gross Density:	3.1 Homes per Acre	2.6 Homes per Acre
5. Rec. Areas:	To be Provided per Section 18.69.090 of the Pima County Code.	



PARADIGM LAND DESIGN LLC
 GPO@ParadigmLand.US • (520) 664-4304

Irvington & Kinney Exhibit "B": PDP

"G:\Projects\19ax Ajo & Kinney Seymour\d02 Irvington & Kinney NWC (Seymour)\0220 Rezoning Extension 2022\2022 Site Plan.dwg"

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 to 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 (SWIP).

B. Environmental Planning:

At a minimum, applicable Maeveen Marie Behan Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.

C. Regional 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.