



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: January 19, 2016

**Title:** P15RZ00005 Pacific International Properties, LLP - N Thornydale Road Rezoning

**Introduction/Background:**

Applicant requests to rezone approximately 55 acres from SR (Suburban Ranch) zone to CB-1 (Local Business) zone (8.19 acres) and SR (R) (Suburban Ranch-Restricted) zone (46.76 acres). Rezoning site is located northwest of the intersection of N. Thornydale Road and W. Cortaro Farms Road.

**Discussion:**

The applicant proposes to rezone for development of an 8-acre commercial center at the Thornydale / Cortaro Farms intersection; the 46-acre balance of the rezoning site will remain undeveloped.

**Conclusion:**

Commercial zoning will cover about 20% of the entire site; the remainder of the site (80%) will be set aside and preserved as on-site natural open space to meet Maeveen Marie Behan Conservation Lands System conservation guidelines for Multiple Use and Special Species Management Area designations on the site.

**Recommendation:**

Staff recommends APPROVAL of the rezoning to CB-1 and SR (R), subject to standard and special conditions.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

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Department: Development Services Dept., Planning Div. Telephone: 724-9000

Department Director Signature/Date: *[Signature]* 12/23/2015

Deputy County Administrator Signature/Date: *[Signature]* 12/30/15

County Administrator Signature/Date: *[Signature]* 12/31/15

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**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Ally Miller, Supervisor, District # 1  
**FROM:** Arlan M. Colton, Planning Director   
**DATE:** December 28, 2015  
**SUBJECT:** P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – NORTH THORNYDALE ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 19, 2016** hearing.

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**REQUEST:** A rezoning of approximately 8.19 acres from the SR (Suburban Ranch) zone to the CB-1 (Local Business) zone, and approximately 46.7 acres from the SR (Suburban Ranch) to the SR@ (Suburban Ranch - Restricted) zone, on property located at the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road.

**OWNER:** Pacific International Properties, LLP  
Lawrence C. Lueng, Inc.  
8710 N. Thornydale Road, Ste. 120  
Tucson, AZ 85742-5032

**AGENT:** Projects International, Inc.  
Attn: Jim Portner, Principal  
10836 E. Armada Lane  
Tucson, AZ 85749-9460

**DISTRICT:** 1

**STAFF CONTACT:** Mark Holden

**PUBLIC COMMENT TO DATE:** As of December 28, 2015, staff has received no public comment concerning the rezoning request.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (7 – 0; Commissioners Cook, Membrilla and Peabody were absent)

**STAFF RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject property is covered under the Multiple Use Management Area and Special Species Management Area of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/MH/ar  
Attachments



PIMA COUNTY  
DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

Subject: P15RZ00005

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**FOR JANUARY 19, 2016 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: December 28, 2015

**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING**

**P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – NORTH THORNYDALE ROAD REZONING**

Request of **Pacific International Properties, LLP**, represented by **Jim Portner, Projects International, Inc.**, for a rezoning of approximately 8.19 acres from the SR (Suburban Ranch) zone to the CB-1 (Local Business) zone, and approximately 46.7 acres from the SR (Suburban Ranch) zone to the SR® (Suburban Ranch - Restricted) zone, on property located at the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 7 - 0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Cook, Membrila and Peabody were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 1)

**PLANNING AND ZONING COMMISSION HEARING SUMMARY (November 25, 2015)**

Staff presented the staff report on the requested rezoning. A commissioner asked how the proposed open space on the site would be owned and managed in the long-term. The applicant responded that they would not retain ownership; staff responded that ownership would be dealt with later, possibly with the Audubon Society to the immediate north. A commissioner asked how the SR – Restricted zone would work. Staff responded that the open space restriction would run with the land and need to be adhered to by future owners.

The commission opened the public hearing. The only speaker was the representative of the Coalition for Sonoran Desert Protection, who stated that the Coalition generally supports the proposed rezoning, but wants to see issues of the service road on the west side of the developed area immediately abutting the open space, stormwater harvesting, and a transition landscape buffer between the open space and developed zone addressed.

The applicant stated that they could address these issues.

A commissioner asked the applicant what sorts of retail services might be expected at the site. The applicant responded that a neighborhood grocery would fit well.

The commission closed the public hearing. Commissioner Neeley made a motion to **APPROVE** the proposed rezoning, subject to standard and special conditions, and one additional condition regarding relocation of the western service road; Commissioner Mangold seconded. After a discussion with staff, it was determined that the best action was for the applicant to revise the Preliminary Development Plan (PDP) to address the western service road prior to the public hearing before the Board of Supervisors.

Upon a voice vote, the commission voted to **APPROVE** the requested rezoning to **CB-1 (Local Business)** zone and **SR@ (Suburban Ranch – Restricted)** zone (7-0; Commissioners Cook, Membrilla and Peabody were absent), subject to standard and special conditions, below, and the submission of a revised PDP to be submitted prior to the Board of Supervisors hearing:

1. The owner shall:
  - A. Submittal of a development plan if determined necessary by the appropriate County agencies.
  - B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provision of development related assurances as required by the appropriate agencies.
  - D. 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.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Adherence to the preliminary development plan as approved at public hearing.
4. Transportation conditions:
  - A. The property is limited to 3 access points as depicted on the preliminary development plan.
  - B. The property owner / developer shall dedicate 45 feet of right-of-way for Cortaro Farms Road.
  - C. The property owner / developer shall dedicate 45 feet of right-of-way for Thornydale Road.

5. Flood Control conditions:
  - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. Post development floodplain and Pima County Regulated Riparian Habitat shall be contained in permanently protected on-site Natural Open Space identified for the rezoning site under Maeveen Marie Behan Conservation Lands System conservation guidelines and shall be identified on the development plan.
  - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development.
  
6. Wastewater Reclamation conditions:
  - A. The owner / developer 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 / developer to that effect.
  - B. The owner / developer 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 / developer 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 / developer 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 / developer 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 / developer 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 / developer 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.

7. Environmental Planning conditions:

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 46 acres on-site as Natural Open Space (NOS). Prior to the approval of the Development Plan, the 46-acre on-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

8. 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.
9. The property owner shall execute and record the following disclaimer regarding Prop 207 rights: "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)."
10. 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.

CP/MH/ar  
Attachments

c: Pacific International Properties, LLP, Lawrence C. Lueng, 8710 N. Thornydale Road, Ste. 120  
Tucson, AZ 85742-5032  
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane  
Tucson, AZ 85749-9460  
Chris Poirier, Assistant Planning Director  
P15RZ00005 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION  
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

**HEARING** November 25, 2015

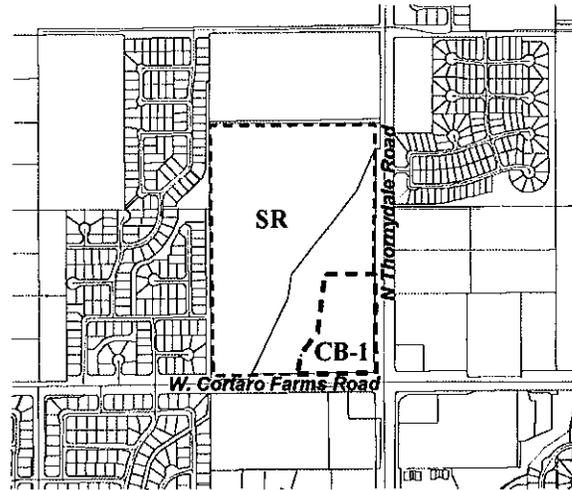
**DISTRICT** 1

**CASE** P15RZ00005  
Pacific International  
Properties, LLP – North  
Thornydale Road Rezoning

**REQUEST** Rezone 8.19 acres from SR  
(Suburban Ranch) zone to CB-1  
(Local Business) zone; 46.76-acre  
balance to remain undeveloped SR  
(Restricted)

**OWNER** Pacific International Properties, LLP  
Attn: Lawrence Leung  
8710 N. Thornydale Road  
Tucson, AZ 85742

**APPLICANT** Projects International, Inc.  
Attn: Jim Portner, Principal  
10836 E. Armada Lane  
Tucson, AZ 85749



**APPLICANT'S PROPOSED USE**

Neighborhood shopping center on 8.19 acres, with the balance of the site, 46.76 acres, remaining in its present state.

**APPLICANT'S STATED REASON**

Commercial infill development on two major transportation corridors will make efficient use of existing public and utility infrastructure, and be consistent with intensity of existing commercial uses in the immediate context and appropriate at a major arterial street intersection.

**STAFF REPORT SUMMARY**

Staff recommends **APPROVAL subject to standard and special conditions**. The applicant requests CB-1 (Local Business) rezoning of an 8.19-acre site at the northwest corner of the Thornydale / Cortaro Farms intersection. The proposed rezoning will leave the 46.76-acre balance of the site zoned SR ® (Suburban Ranch – Restricted) and undisturbed – this preserves just over 80 percent of the total site as natural open space, meeting the Conservation Guidelines for the Maeveen Marie Behan Conservation Lands System (MMBCLS) designations under which the site is located. The rezoning would provide both commercial infill at the intersection and contiguous open space for conservation properties to the north. The rezoning also meets elements of the Arizona Growing Smarter Acts, and the intent of the Pima Prospers Comprehensive Plan update for increased commercial uses at that intersection.

**COMPREHENSIVE PLAN DESIGNATION**

In 2013, a Comprehensive Plan amendment (Co7-13-04) was approved for the entire site to change the land use designation from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) and Neighborhood Activity Center (NAC). *Pima Prospers*, the 2015 Comprehensive Plan Update, down-planned the MIU portion of the site back to LIU 0.3 but left the requested NAC portion intact. *Pima Prospers* also increased the acreage of, and up-planned other portions of the Thornydale / Cortaro Farms intersection to High Intensity Urban (HIU) and Community Activity Center (CAC). The requested CB-1 zone conforms to the amended NAC land use designation; as the remainder of the site will remain zoned SR and undeveloped, the down-planning from MIU to LIU 0.3 is not significant from a land use perspective.

The objective of the NAC land use designation is for lower intensity mixed uses that provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. NACs are generally less than 25 acres in area and should provide direct pedestrian and bicycle access to surrounding neighborhoods. Rezoning requests need not propose mixed-use development, but projects should demonstrate a mixed-use character for the activity center as a whole.

Comprehensive Plan amendment Co7-13-04 was approved by the Board of Supervisors in February 2014 (Resolution 2014-115 is attached), with the following Rezoning Policies (RP-135):

- A. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
  
- B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
  - 1. Natural open space set-asides will be provided entirely within the amendment area;
  - 2. The site areas of plan amendment cases Co7-13-03, -05, and -06 are not eligible to serve as off-site set-asides;
  - 3. The approximate minimum total natural open space (NOS) set-aside is 46 acres; the approximate minimum off-site NOS set-aside is 0 acres.

These policies are reflected in Regional Flood Control District and Environmental Planning Rezoning Conditions, below.

**Surrounding Land Uses / General Character**

North:	SR	Undeveloped (Tucson Audubon Society site)
South:	CR-5 (Multiple Residence), CB-1, SR	Rental housing, convenience store, undeveloped
West:	CR-4 (Mixed Dwelling)	Single family subdivision
East:	CR-5, CB-1, SR	Single family subdivision, convenience store, undeveloped

**Previous Rezoning Cases on the Property**

A rezoning was requested on the site in 1993 (Co9-93-076) but subsequently withdrawn.

### **Previous Rezoning Cases in General Area**

There has been no recent rezoning activity around the Thornydale / Cortaro Farms intersection. With the exception of the 20-acre Tucson Audubon Society parcel to the north and two 4½-acre parcels to the east, the parcels immediately surrounding the site were rezoned from SR to their current zoning (CR-4, CR-5 and CB-1 on about 50 acres each) through the 1980s and early 1990s. There are about 12 acres of commercially rezoned land remaining undeveloped at the Thornydale / Cortaro Farms intersection.

This request was submitted with three other rezoning requests located in the same vicinity. Each of these undeveloped sites is about 20 acres in area and is requesting rezoning from SR to CR-5 (Multiple Residence) zone. One site is about 2000 feet south on Thornydale Road, one is about 5000 feet to the north also on Thornydale Road, and one is 1300 feet to the east off Hardy Road.

### **Planning Analysis**

This request proposes rezoning just over 8 acres to CB-1. This will consist of about 102,000 square feet of commercial retail space and associated parking, consistent with the NAC Comprehensive Plan land use designation and other development at the Thornydale / Cortaro Farms intersection. The remainder of the site will remain zoned SR (Restricted) and remain undeveloped to meet MMBCLS Conservation Guidelines for Special Species Management Areas. This is also consistent with the LIU 0.3 land use designation on this portion of the site.

The rezoning site is surrounded by medium- to high-density residential development (single family residences, townhomes) to the south, east and west; commercial services and retail to the southeast; and, undeveloped land to the north and east. The undeveloped 20 acres immediately to the north is the Mason Center, owned and managed by the Tucson Audubon Society for sustainable living and environmental education. The proposed open space set-aside would provide buffering and adjacent functional habitat area for this facility.

The 55-acre site is undeveloped desert and mostly undisturbed, with the exception of a network of trails that cross the property. The site slopes gently to the southwest (about 1% slope) and consists of natural Sonoran Desert Upland vegetation. The Site Analysis states there are almost 1,000 saguaro cactus (*Carnegiea gigantea*) and just over 600 ironwood trees (*Olneya tesota*) on the site; about 250 saguaros and almost 100 ironwoods are located on the 8-acre area proposed for development. A single mapped wash (500-1000 CFS volume) crosses the site from the northeast to the southwest and supports slightly more dense vegetation than the surrounding desert.

The commercial development proposed under the rezoning request meets a number of the Arizona Growing Smarter Acts. The proposed development is confined to the southeastern portion of the site; the remainder of the site would be undeveloped and abuts other open space to the north. The proposed development utilizes existing infrastructure located along Thornydale and Cortaro Farms Roads. While Thornydale is a major north-south route in northwest Tucson, it is currently only served by a single SunTran shuttle route; however, there are a number of residential developments within walking distance to the proposed commercial development.

Additionally, the Pima Prospers 2015 Comprehensive Plan Update increased the area of commercially-designated land use areas (Community Activity Center) at the Thornydale / Cortaro Farms intersection from about 25 acres to around 40 acres in area. Pima Prospers identifies this area for providing additional retail and commercial uses to serve surrounding residential areas.