



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 10/17/2023

\*= Mandatory, information must be provided

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

**\*Title:**

RESOLUTION: P17RZ00007 STEWART TITLE & TRUST TR 1580 – S. KINNEY ROAD REZONING

**\*Introduction/Background:**

The Board of Supervisors approved a five-year time extension subject to modified standard and special rezoning conditions on July 11, 2023.

**\*Discussion:**

The time limit and rezoning conditions contained in Rezoning Ordinance 2018-35, 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: 520-724-6675

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

9-26-23

Deputy County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

9/28/2023

County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

9/28/23



Subject: P17RZ00007

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**OCTOBER 17, 2023 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
**DATE:** September 26, 2023

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**RESOLUTION FOR ADOPTION**

**P17RZ00007 STEWART TITLE & TRUST TR 1580 – S. KINNEY ROAD REZONING**  
Owners: Stewart Title & Trust TR 1580  
(District 5)

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

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**OWNERS:** Stewart Title & Trust TR 1580  
Attn: Ted Elliott  
2238 Melford Ct.  
Thousand Oaks, CA 91361

**AGENT:** Paradigm Land Design LLC  
Attn: Paul Oland  
372 S. Eagle Road #284  
Eagle, ID 83616

**DISTRICT:** 5

**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 P17RZ00007 STEWART TITLE & TRUST TR 1580 – S. KINNEY ROAD REZONING; LOCATED ON THE EAST SIDE OF S. KINNEY ROAD APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF S. KINNEY ROAD AND W. AJO HIGHWAY; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2018-35.

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

1. On May 15, 2018, in rezoning case P17RZ00007, the Pima County Board of Supervisors approved the rezoning of approximately 64.8 acres located on the east side of S. Kinney Road approximately 1,000 feet north of the intersection of S. Kinney Road and W. Ajo Highway, as shown on Exhibit A, from the GR-1 (BZ & GZ-1) (Rural Residential – Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Transitional – Buffer Overlay and Gateway Overlay-Urban) zone, subject to standard and special conditions.
2. On December 4, 2018, the Pima County Board of Supervisors adopted rezoning Ordinance 2018-35, as recorded in Sequence 20183440499, rezoning the approximate 64.8 acres described in rezoning case P17RZ00007 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit as set forth in Section 3 in Ordinance 2018-35;
4. On July 11, 2023, the Pima County Board of Supervisors approved a five-year extension subject to modified standard and special conditions.
5. Section 3 of Ordinance No. 2018-35 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 2018-35, are restated and modified as follows:

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 Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.

- B. Prior to Tentative Plat approval, written proof of coordination with the Arizona Department of Transportation (ADOT) is required regarding any traffic impacts to their roadway system. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all their requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
  - C. The rezoning shall be limited to three access points. One access point will be located on Kinney Road, as shown on the preliminary development plan (), and two onto Ajo Highway. Access onto Ajo Highway shall be at the locations shown on the preliminary development plan and at the signalized intersection of Camino de Oeste and Ajo Highway. The proposed access road at the signalized intersection of Camino De Oeste and Ajo highway shall be aligned with Camino De Oeste to the south and as determined by the Department of Transportation.
  - D. The owner(s)/developers(s) shall dedicate the necessary 45 feet of right-of-way for the access roads to serve this development as determined by the Traffic Impact Study at time of Tentative Plat review process. Camino de Oeste north of Ajo Highway. The right-of-way should extend north of the intersection to the entry point of the subdivision.
  - E. Prior to Subdivision Tentative Plat approval, written proof of coordination with Sun Tran is required regarding a new bus stop, relocation, or improvement of an existing bus stop is necessary.
  - F. Sidewalk or multiuse path shall be constructed to Pima County standards along the east side of Kinney Road from the proposed driveway onto this road to the nearest bus stop to the north. The location shall be determined at the time of permitting and as approved by the Department of Transportation.
3. Regional Flood Control District conditions:
- A. Trails within washes must provide for safe pedestrian access.
  - B. 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.
  - C. At the time of platting and/or permitting a Master Drainage Report demonstrating solutions for encroachment into the local floodplain and supporting drainage infrastructure shall be reviewed and approved by the District.
  - D. First flush retention shall be provided in Low Impact Development practices disturbed throughout the site.
4. Regional Wastewater Reclamation Department conditions:
- A. The owner 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 to that effect.
  - B. The owner 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 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 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 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 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 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<u><i>Oncosiphon piluliferum</i></u>	<u>Stinknet</u>
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac

<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources Division 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.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. 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.
9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act Proposition 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. No access shall be given between the subject property and the property to the north (parcel code 212-200-0130) without written approval of both parties.

Section 2. The time limit in Section 3 of Ordinance 2018-35, is amended and extended as follows:

1. Conditions 1 through 10 shall be completed by May 15, ~~2023~~ 2028.

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

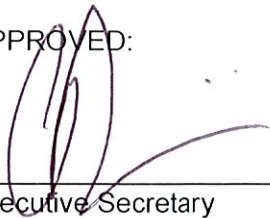
ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Jacob Kavkewitz

APPROVED:

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

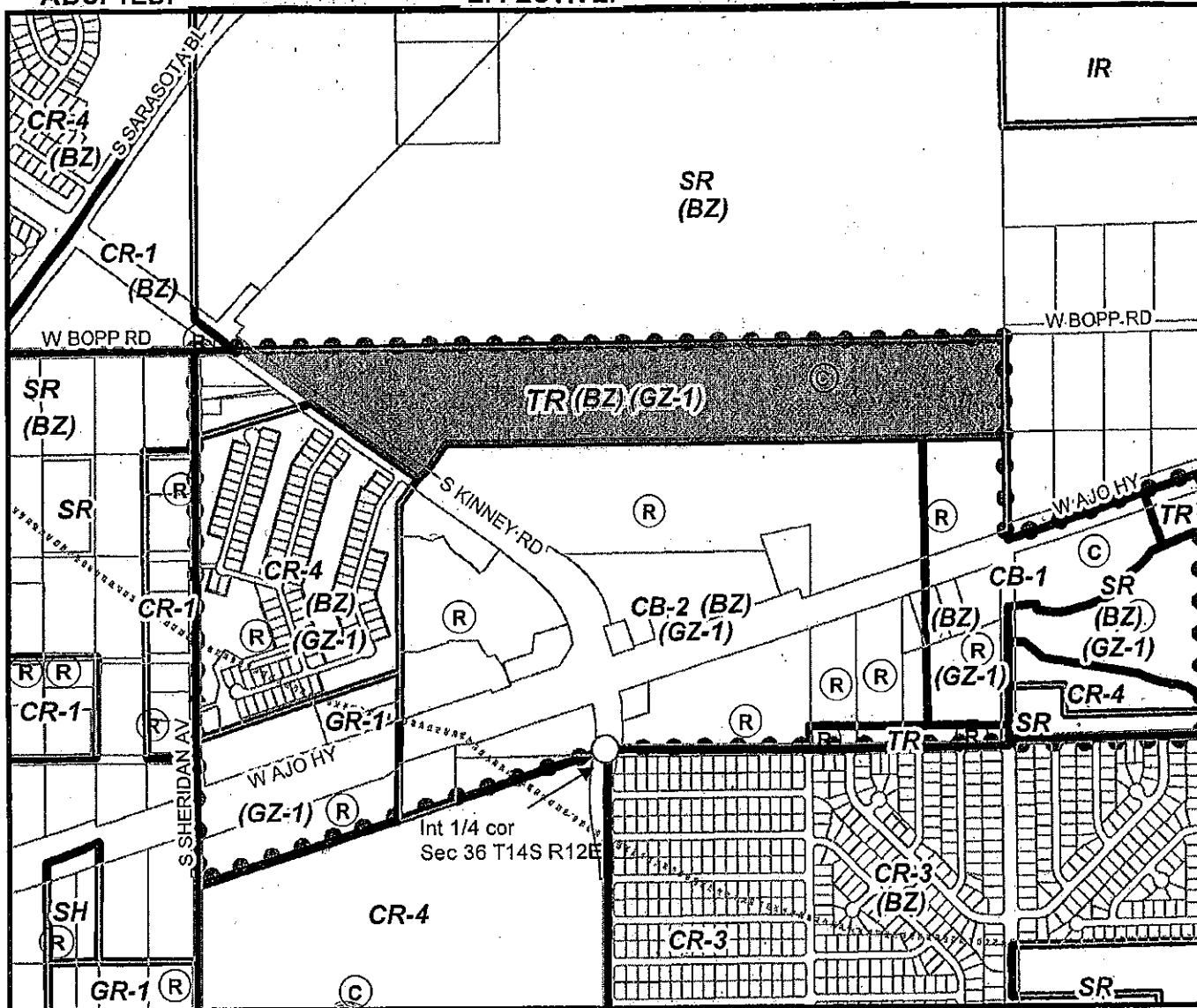
# EXHIBIT A

AMENDMENT NO.'S 17 & 38 BY ORDINANCE NO. 2018-035  
TO PIMA COUNTY ZONING MAP NO.'S 17 & 38 TUCSON AZ.  
PORTION OF PARCEL 01H BEING A PART OF THE N 1/2 OF SEC 36 T14S R12E.



0 250 500 1,000 Feet  
[Scale bar]

ADOPTED: December 4, 2018 EFFECTIVE: December 4, 2018



*[Handwritten signature]*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 (BZ) (GZ-1) 64.8 ac  
ds-September 27, 2018



P17RZ00007  
Co7-13-10  
Ptn of 212-50-001H



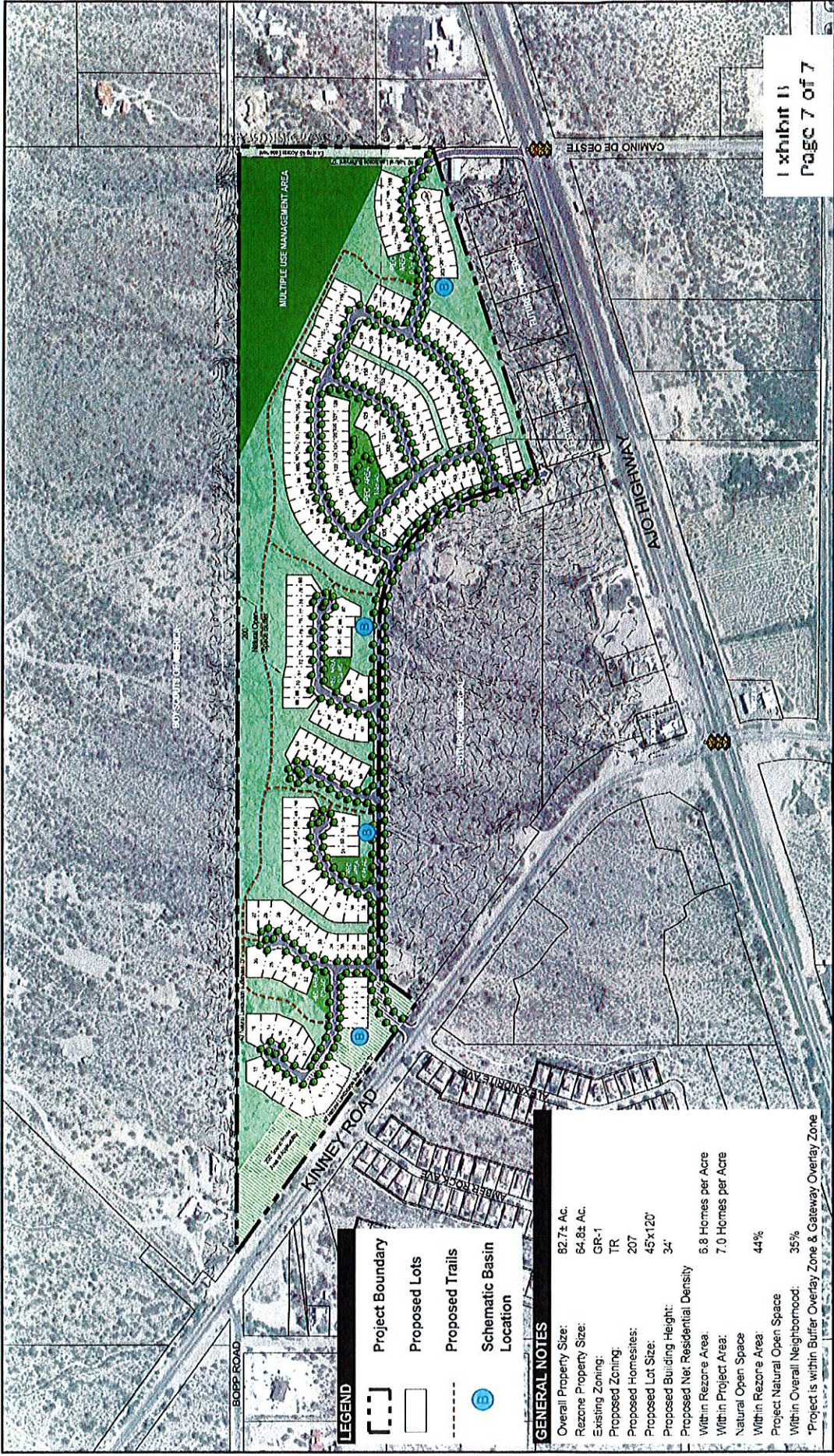


Exhibit 11  
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- LEGEND**
- Project Boundary
  - Proposed Lots
  - Proposed Trails
  - Schematic Basin Location

**GENERAL NOTES**

Overall Property Size:	82.7± Ac.
Rezone Property Size:	64.8± Ac.
Existing Zoning:	GR-1
Proposed Zoning:	TR
Proposed Homesites:	207
Proposed Lot Size:	45'x120'
Proposed Building Height:	34'
Proposed Net Residential Density	
Within Rezone Area:	6.8 Homes per Acre
Within Project Area:	7.0 Homes per Acre
Natural Open Space	
Within Rezone Area:	44%
Project Natural Open Space	
Within Overall Neighborhood:	35%

\*Project is within Buffer Overlay Zone & Gateway Overlay Zone