



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/6/2022

*\*= Mandatory, information must be provided*

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

**\*Title:**

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

**\*Introduction/Background:**

A. Applicant requests a five-year time extension; and B. A modification of rezoning condition #9 to amend the preliminary development plan (PDP) that demonstrates a 302 single-family residential subdivision with a regional park to a 450 single-family residential subdivision with HOA regulated pocket parks. The 146.1 acre rezoning was from GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) (143 acres) and the GR-1 (BZ) (Rural Residential - Buffer Overlay) to the CR-4 (BZ)(Rural Residential – Buffer Overlay) (3.1 acres) zones and located on the north side of W. Irvinton Road and the east and west sides of S. Kinney Road. The rezoning was approved in 2007 and expired March 6, 2022.

**\*Discussion:**

A. The applicant cites the need for a five-year time extension due to the market and establishing water service with Tucson Water. B. The modification of rezoning condition #9 will allow a 450 single-family residential subdivision with HOA regulated pocket parks with closer conformance with the comprehensive plan.

**\*Conclusion:**

A. The proposed residential use remains a suitable land use for the area. The time extension will allow a total of 20 years from the original Board of Supervisors approval to complete rezoning conditions. B. The modification of rezoning condition #9 will allow for a revised preliminary development plan.

**\*Recommendation:**

A. Staff recommends APPROVAL of the five year time extension subject to modified standard and special conditions. B. Staff and the Planning and Zoning Commission recommend APPROVAL of a modification (substantial change) of rezoning condition #9 subject to modified standard and special conditions.

**\*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: \_\_\_\_\_

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

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

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

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

7/14/2021



**TO:** Honorable Sharon Bronson, Supervisor, District 3

**FROM:** Chris Poirier, Deputy Director *Tom Drargowski*  
Public Works-Development Services Department-Planning Division

**DATE:** August 16, 2022

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

The above referenced Rezoning Time Extension/Modification (Substantial Change) of Rezoning Condition is within your district and is scheduled for the Board of Supervisors' **TUESDAY, September 6, 2022** hearing.

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**\*\*This case requires 2 separate motions and votes**

**REQUEST:** A. Rezoning Time Extension  
For a five-year **time extension** of approximately 146.1 acres (portion of parcel codes 212-50-012H & 212-50-012J) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) (143 acres) and the GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) to the CR-4 (BZ) (Mixed-Dwelling Type – Buffer Overlay Zone) (3.1 acres) zones.

B. Modification (Substantial Change) of Rezoning Conditions  
For a **modification (substantial change) of rezoning condition #9**. Condition #9 requires adherence to the approved preliminary development plan (PDP), located on the north side of W. Irvington Road and the east and west sides of S. Kinney Road.

**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

**PUBLIC COMMENT TO DATE:** As of August 16, 2022, staff has received seven written protest letters and five letters of concerns regarding traffic, flooding, water, erosion issues, etc.

**PLANNING & ZONING COMMISSION RECOMMENDATION (FOR MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION ONLY): APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS 8-2 (Commissioners Cook and Gungl voted Nay)**

**STAFF RECOMMENDATION (FOR TIME EXTENSION AND MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION): APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DS

Attachments



## BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-05-30

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### FOR SEPTEMBER 6, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director *Tom Drargowski*  
Public Works-Development Services Department-Planning Division

DATE: August 16, 2022

### ADVERTISED ITEM FOR PUBLIC HEARING

### TIME EXTENSION, MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

**\*\*This case requires 2 separate motions and votes.**

#### A. REZONING TIME EXTENSION

**Co9-05-30**

#### **STEWART TITLE & TRUST #1580 – KINNEY ROAD REZONING**

Stewart Title & Trust #1580, represented by Paradigm Land Design, LLC, requests a five-year **time extension** for a 146.1-acre rezoning (portion of parcel codes 212-50-012H & 212-50-012J) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) (143 acres) and the GR-1 (BZ) (Rural Residential - Buffer Overlay Zone) to the CR-4 (BZ) (Mixed-Dwelling Type – Buffer Overlay Zone) (3.1 acres) zones, located on the north side of W. Irvington Road and the east and west sides of S. Kinney Road. The subject site was rezoned in 2007 and expired March 6, 2022. Staff recommends **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**  
(District 3)

#### **B. MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION**

**Co9-05-30**

#### **STEWART TITLE & TRUST #1580 – KINNEY ROAD REZONING**

Stewart Title & Trust #1580, represented by Paradigm Land Design, LLC, requests **a modification (substantial change) of rezoning condition #9** which requires adherence to the preliminary development plan as approved at public hearing. The applicant requests to revise the preliminary development plan which depicts a 302-lot subdivision to allow a 450-lot subdivision. The subject site is approximately 146.1 acres zoned CR-4 (Mixed-Dwelling Type) (143 acres) and CR-4 (BZ) (Mixed-Dwelling Type – Buffer Overlay Zone) (3.1 acres), located on the north side of W. Irvington Road and the east and west sides of S. Kinney Road. On motion, the Planning and Zoning Commission recommended **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS 8 - 2** (Commissioners Cook and Gungle voted Nay). Staff recommends **APPROVAL SUBJECT TO**

**MODIFIED STANDARD AND SPECIAL CONDITIONS.**  
(District 3)

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**Planning and Zoning Commission Public Hearing Summary (July 27, 2022)**

The public hearing was held virtually and telephonically. The commission and staff members were present virtually. The applicant presented virtually.

Staff presented information from the staff report to the commission with a recommendation of approval subject to modified standard and special conditions.

A commissioner asked about Department of Transportation's project 4IRCAP. Staff stated that it is a planned project to incorporate a round-about at Irvington Road, Kinney Road and Joseph Avenue.

A commissioner asked if this site is in the process of being sold to a national homebuilder. Staff stated that it is fairly normal to have a potential buyer at this time in the process but stated that the applicant should be able to provide additional information. The commissioner then asked if the new owner seeks any changes, would they would be required to go through another public hearing. Staff confirmed.

A commissioner questioned the difference between the amount of open space and park land from the original request. Staff stated the applicant should be able to provide the answer to this question.

The commissioner asked the total increase in the number of units. Staff stated from 302 to 450 single-family residences. The commissioner asked if a portion of the property is in the buffer overlay zone (BOZO) and subject to the requirements for BOZO. Staff confirmed that the northeastern portion of the site is in the BOZO and only that portion of the rezoning within the BOZO would require a minimum of open space, provided as either natural or functional open space. General concepts for BOZO include color and design of structures and limits on the type of fencing for permeability of wildlife. This site is on the edge of the BOZO and is protecting the county-owned portion of Tucson Mountain Park – Cat Mountain. The commissioner asked if the buffer overlay relates to public preserves and staff confirmed, stating that this buffer is as far away from the public preserve as possible and separated by Ajo Highway.

A commissioner asked about the shaded portion of the southeast portion of the site. Staff stated that it is not a portion of this request but appears the developer is giving a preview of a forthcoming rezoning - today's action will not affect the greyed out portion of the site. The commissioner stated that one of the lots is bisected by the area not included in this request. Staff stated that at this point the plan is still fairly conceptual and when the development is platted there can be minor adjustment of lines. The commissioner asked if this case will be presented again to the commission. Staff stated that for the portion not included in this rezoning, a new rezoning must be submitted to go through the public hearing process.

The applicant presented the case. He stated that western half (about 20 acres) of the parcel east of Kinney Road is included in this rezoning. With review of drainage it makes sense to develop the eastern half of the parcel (also about 20 acres) following a future rezoning and to develop the entire parcel as one site. This property is also outside of the Tucson Water service area and rezoning of the eastern half will proceed once water service is made available. Available infrastructure, infill and having a renewable water source has caused this project to exceed time limits. Tucson Water has provided a service commitment for the parcel west of Kinney Road.

The southern portion of the site will be Phase 1, northern portion will be Phase 2 and the property on the east side of Kinney Road will be Phase 3 once Tucson Water service is provided.

The builder has been actively involved in the plan preparation and no changes are anticipated. If this condition modification is approved, the developer is expecting to start development as shown on the PDP. The approximate lot size is 40'x120' which is standard for the area. Additionally, this PDP has been revised to show the additional taking of right-of-way for the round-about.

A commissioner asked the applicant the difference in area between the amount of open space from the previous plan. The applicant stated he does not have the calculation of the old plan but this plan has a little over 40% of open space total. Pima County Natural Resources, Parks and Recreation (NRPR) does not want to build a public park, which led to the change in the amount of open space between plans. Recreation compliance is met via zoning code chapter 18.69 Subdivision Standards in terms of recreation area. Staff stated that we do not have the calculation down to the acreage because the site is outside of CLS. The original rezoning request had the northern 52 acres of the site as a regional park and an improved detention basin; residential lots have replaced the "playfield picnic area" but the rest of the area will be natural open space. The required public park area will be met through the requirement for pocket parks for a new large development. There is an overall increase in natural open space and reduction in park area, but the recreation requirements will still be met.

The hearing was opened to the public.

Speaker one has concerns regarding scenic route requirements to include building height, color and setback requirements and asked if they will apply to this site.

Speaker two has concerns about investors' homes, flood issues, sales tax, traffic, water and brown-outs.

Speaker three asked for a definition of a mixed-dwelling under the county's conditional CR-4 (Mixed-Dwelling Type) zoning on the site, if the purpose of this development is to make more money, and why there is no public park. The speaker also stated that water issues should be resolved before more development is encouraged.

The applicant responded to the speaker questions. Compliance will be met for the Irvington Road scenic corridor but along Irvington there are drainage and riparian areas in the subject site. Most of the lots are over 100'-200' from Irvington Road. In terms of water, the development has been secured water from Tucson Water. Millions of dollars of impact fees will help to fund infrastructure.

Staff responded to the speaker questions. The subject site is already conditionally zoned CR-4 and "mixed-dwelling" is the CR-4 naming convention. The substantial modification proposal will maintain the CR-4 zoning and modify the requested number of permitted residential units, but still remain within the density permitted under the CR-4 zone. Among other dwelling types, CR-4 permits duplexes, triplexes and apartments ("mixed-dwelling type" zoning), but proposed development is in keeping with the single-family residences of existing surrounding neighborhoods. Any portion of this rezoning that is within 200' of the scenic route will be required to meet scenic route requirements. Height limit for homes is 24' and is not a one-story limitation.

The original 2007 rezoning conditioned that the developer provide a public park and flood detention area. Since then, NRPR has provided other parks and recreational opportunities, subdivision developers have also provided their own parks, and the Flood Control District and Arizona DOT have done improvements when Ajo Highway improvements were made. NRPR

wants newer subdivisions to provide pocket parks.

A commissioner asked if this case will be heard by the commission again. Staff stated the only portion that should come before the commission would be the rezoning for the eastern 20 acres of the lot located east of Kinney Road that was not included in this rezoning.

The public hearing was closed.

Commissioner Truitt made a motion to recommend **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**, Commissioner Membrila gave second.

The commission voted to recommend **APPROVAL** 8-2 (Commissioners Cook and Gungl voted Nay), subject to the following conditions:

Completion of the following requirement within five years from the date the rezoning request is approved by the Board of Supervisors:

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 Prosper 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.

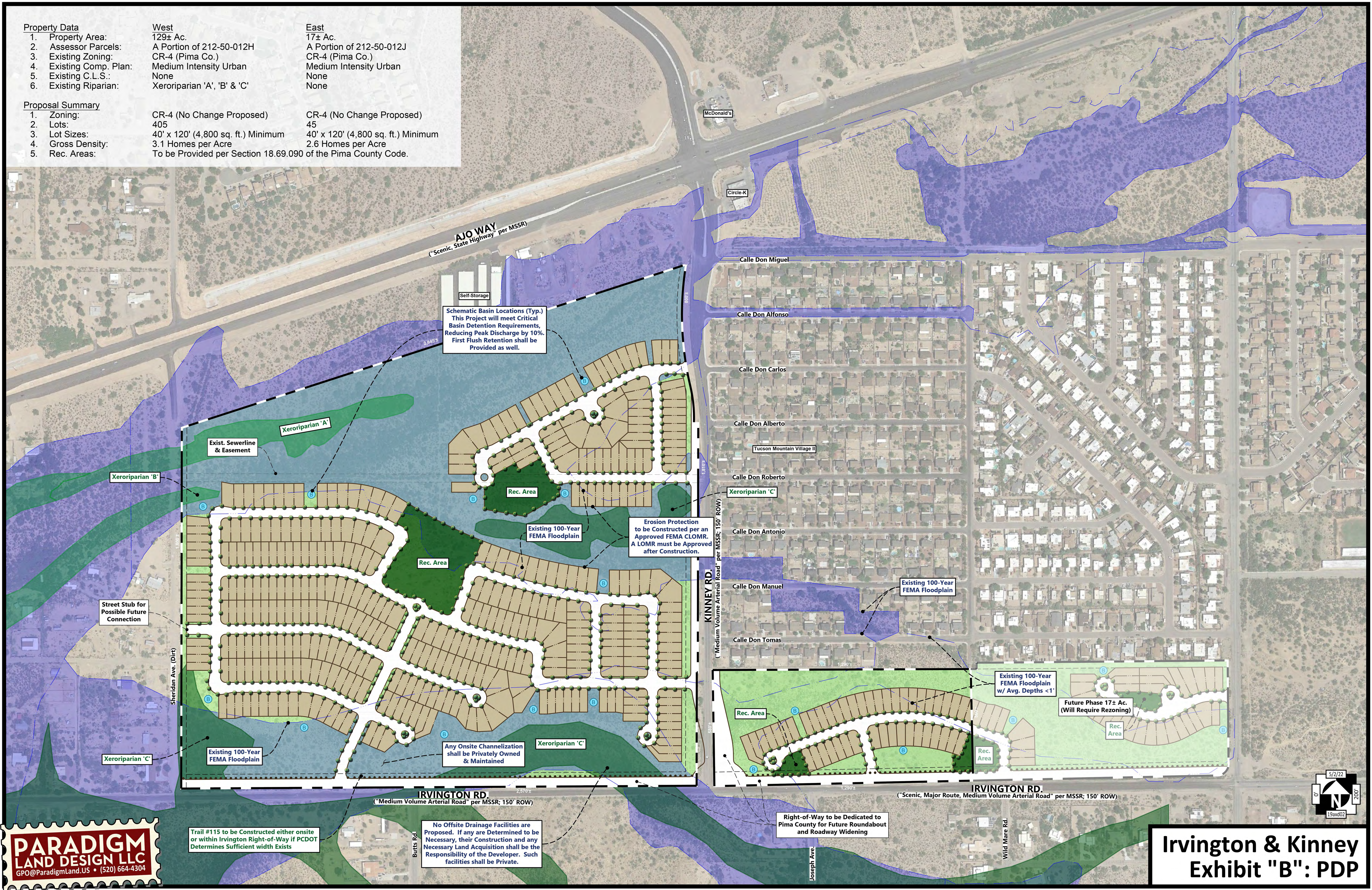
7. Landscaping conditions:
  - A. Saguaros transplanted on site and introduced as mitigation plants shall be planted at a density of 1 saguaro per 60 square feet, on average, to be planted in groups of not more than 6 plants, and/or individual plants shall be staggered and spaced to avoid linear planting 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 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 p"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)."
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.

TD/DS  
Attachments

C: Paradigm Land Design LLC



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		CR-4 (No Change Proposed)	CR-4 (No Change Proposed)
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

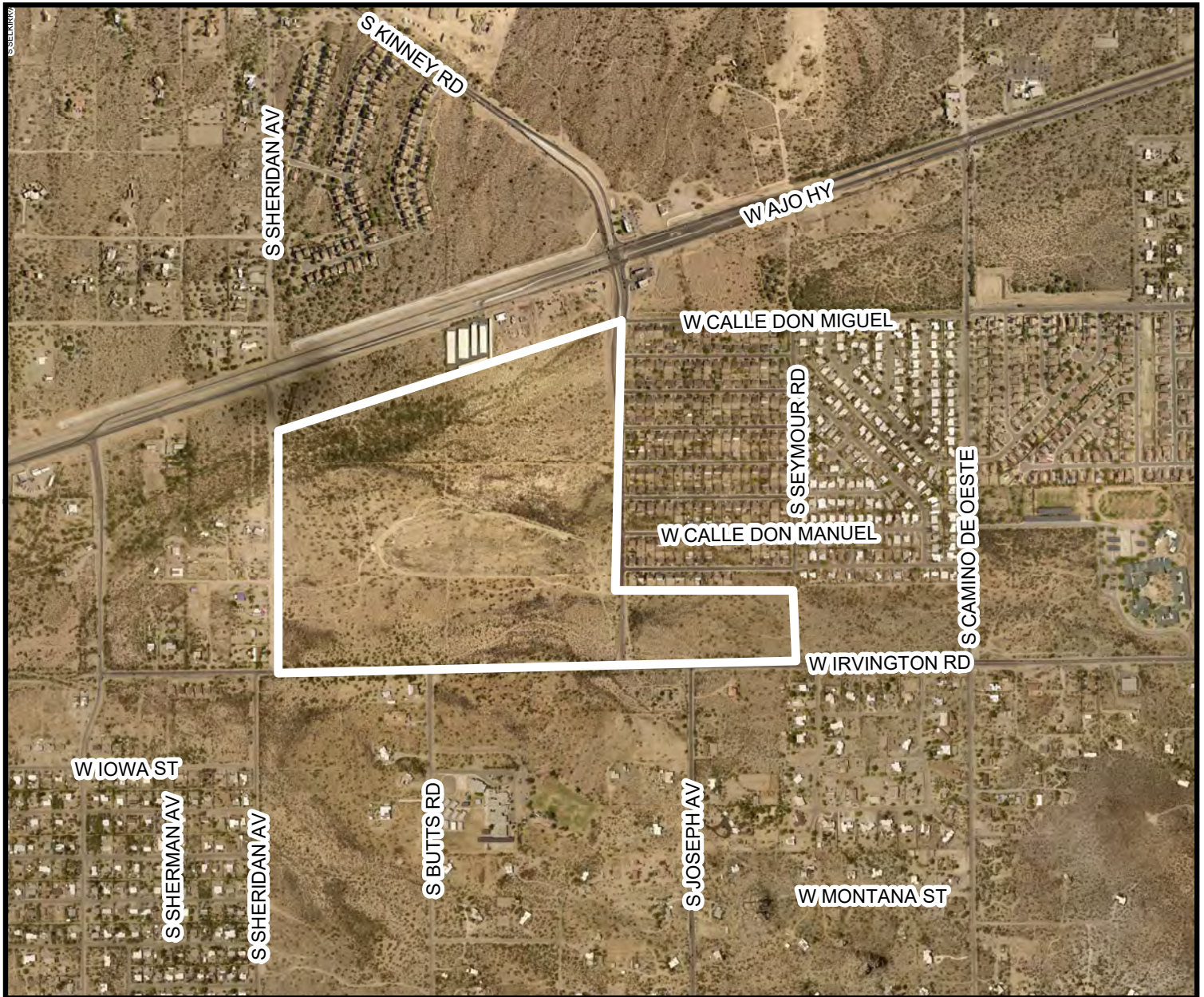
**Irvington & Kinney**  
**Exhibit "B": PDP**



# CO9-05-30 STEWART TITLE & TRUST #1580 - KINNEY ROAD REZONING

Portions of Tax Code(s): 212-50-012H & 212-50-012J

## AERIAL EXHIBIT



0 500 1,000 2,000 Feet

### PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION



Notes:

**Time Extension/Modification of Rezoning Condition (Substantial Change)**

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10 / Accela Case #: P22SA00001

Map Scale: 1:14,000

Map Date: 5/26/2022 - ds



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

**HEARING** June 29, 2022

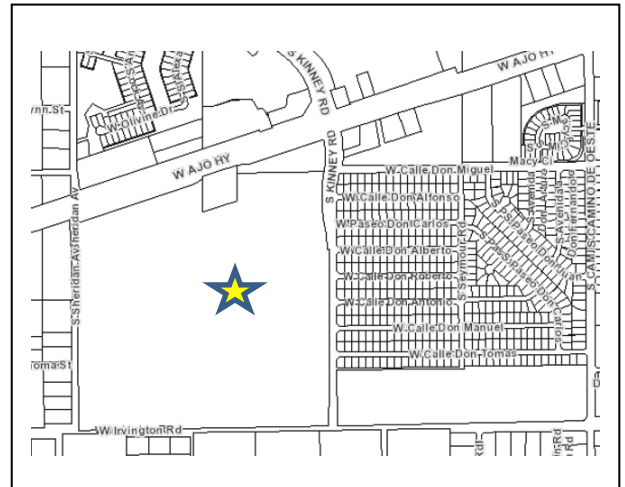
**DISTRICT** 3

**CASE** Co9-05-30 Stewart Title & Trust  
#1580 – Kinney Road Rezoning

**REQUEST** A. Five-Year Rezoning Time Extension  
B. Modification (Substantial Change)  
of Rezoning Condition #9

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

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



**APPLICANT'S REQUEST**

A. Rezoning Time Extension

The applicant requests a five-year **time extension**. The 146.1-acre rezoning from GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) (143 acres) and the GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) to the CR-4 (BZ) (Mixed-Dwelling Type – Buffer Overlay Zone) (3.1 acres) zones expired March 6, 2022.

B. Modification (Substantial Change) of Rezoning Conditions

The applicant requests a **modification (substantial change) of rezoning condition #9**. Condition #9 requires adherence to the approved preliminary development plan (PDP). The revised PDP dated May 2022 demonstrates the modified proposal for a 450-lot residential subdivision development.

**COMPREHENSIVE PLAN**

The site has three comprehensive plan designations, the majority being Medium Intensity Urban (MIU) and lesser areas of Medium Low Intensity Urban (MLIU) and Neighborhood Activity Center (NAC).

MIU designates areas for a mix of medium density housing types. The minimum residences per acre (RAC) in the MIU designation is 5 RAC with a maximum density of 13 RAC. MLIU designates areas for a mix of medium density single-family and lower density attached dwellings. The minimum RAC in the MLIU designation is 2.5 RAC with a maximum density of 5 RAC. Lastly, NAC designates lower intensity mixed use areas. The minimum RAC in the NAC designation is 5 RAC with a maximum of 12 RAC.

Special Area Policy S-29 Southwest Infrastructure Plan (SWIP) applies to a 70-square-mile area that includes this site. Policy S-29 mainly addresses the provision of infrastructure and sustainability of proposed development in the SWIP area. There are no rezoning policies applicable to the site.



## **SURROUNDING LAND USES/GENERAL CHARACTER**

North:	GR-1/CR-4/CB-2	Residential, Vacant, and Commercial
South:	CR-1/SR	Residential, Vacant, Elementary School & Park
East:	CR-3/GR-1	Residential, Vacant
West:	GR-1/SH/SR	Residential, Vacant

The surrounding land uses and zonings are essentially the same as when the site was initially rezoned; however, the CR-3 (Single Residence) and CR-4 subdivisions have been built out.

The rezoning site remains undeveloped with partially disturbed natural vegetation. The site consist of two parcels, the largest parcel located west of Kinney Road and the smaller east of Kinney Road. The larger parcel is located just south of Ajo Highway. The property along Ajo Highway is mostly vacant and is not part of the rezoning site and appears to be set for strip commercial use. A self-storage facility exists on a portion of the frontage area. A CR-3 subdivision exists east of the larger parcel and north of the smaller parcel. The larger and smaller parcels extend south to Irvington Road. Land use to the south and west is primarily lower density residential. A public elementary and middle school are located within a fourth-mile to the south and east, respectively. A public park is also located within a quarter-mile to the south.

Commercial services in the area remain limited. There are fast food restaurants, a convenience store and a bar-restaurant at the intersection of Ajo Highway and Kinney Road along with the adjacent self-storage facility. Services are also available in the vicinity of Tucson Estates along Kinney Road north of Ajo Highway. There is the potential for additional commercial services near the intersection of Ajo Highway and Kinney Road on existing vacant land zoned CB-2 (General Business).

## **STAFF RECOMMENDATIONS**

### **A. Rezoning Time Extension:**

Staff recommends **APPROVAL of a five-year rezoning time extension.** (*Board of Supervisors action only*).

### **B. Modification (Substantial Change) of Rezoning Conditions**

Staff recommends **APPROVAL of modification (substantial change) of rezoning condition #9** to revise the preliminary development plan. (*Planning and Zoning Commission recommendation & Board of Supervisors action*).

The recommended modification, deletion and addition to rezoning conditions are 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 p"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).”

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.

Condition #1 has been updated to current language which will not allow further lot splitting without Board of Supervisors approval. This condition will be met within the future subdivision platting process and subsequent Board of Supervisors action.

Former transportation condition #'s 2A-E, renumbered to condition #'s 2A-F, have been deleted, modified or added as follows: Condition #2A has been modified to review the traffic impact study to the existing condition regarding improvements to Irvington Road and Kinney Road. Former condition #2B is proposed to be struck due to only a street stub being added to Sheridan Road with no additional access points at this time. Renumbered condition #2C has been modified to accommodate right-of-way dedication for Kinney Road realignment and planned roundabout. Condition #'s 2E-F have been added to provide coordination with the Arizona Department of Transportation regarding any traffic impacts and a Traffic Impact Study shall be provided for review.

Former flood control condition #'s 3A-J have been deleted and replaced with renumbered condition #'s 3A-H to reflect current flood control requirements.

Natural Resources, Parks and Recreation former condition #5 has been deleted and replaced with renumbered condition #'s 5 A-D to reflect current natural resource requirements.

Condition #9 is amended to reflect the approval of the revised PDP.

Condition #10 is amended to add park dedication to HOA.

Condition #11 is amended to the updated language for the standard Private Property Rights Protection Act condition.

## **PLANNING REPORT**

### **A. Rezoning Time Extension**

Staff supports the five-year rezoning time extension requested by the applicant, which if approved, will provide a total of 20 years from the original Board of Supervisors approval to complete the rezoning conditions.

The 146.1-acre property is currently undeveloped. The property was originally rezoned in 2007 and five-year time extensions have been approved in 2012 and 2017. A third five-year extension, if approved, will provide an expiration date of March 6, 2027. The request letter mentioned hurdles

such as the market crash, extended market recovery period and issues with Tucson Water service that have deterred development of the subject property. Notable advancements include the following: Tucson Water service has been secured for the project, the property is under contract to be purchased by a national homebuilder and preparation of the plat is underway.

#### B. Modification (Substantial Change) of Rezoning Conditions

Staff supports the request to modify condition #9, to allow adherence to a proposed modified preliminary development plan, which if approved, will allow for a 450-lot single-family residential subdivision.

The overall proposed density of approximately 3.08 RAC is well below the minimum 5.0 RAC required by the majority of the site's plan designations of Medium Intensity Urban (MIU) and Neighborhood Activity Center (NAC). The 3.08 RAC falls within the required minimum 2.5 RAC and maximum 5.0 RAC density for the small portion of the site located within the Medium Low Intensity Urban (MLIU) plan designation. The MIU and NAC designations are the same as when the rezoning was approved but the Pima Prospers update instituted a minimum 5.0 RAC requirement for these plan designations to ensure efficient use of land and infrastructure. The plan also updated approximately 10 acres of the site from the MIU to the MLIU plan designation. Strict conformance of the 5.0 RAC and 2.5 RAC minimum requirements for the plan designations would require an increase of dwelling units from the original 302 to 705, not accounting for potential environmental site constraints.

Preservation of floodplain and riparian area on the site justifies a reduction of gross dwelling density. Compact development and preservation of important riparian areas are applicable to the S-29 Southwest Infrastructure Plan Special Area Policy. Adherence to the S-29 policy will be met by condition #'s 12A-C. The site is not located within the Maeveen Marie Behan Conservation Lands System.

The original concept called for a regional park. At this time Natural Resources, Parks and Recreation no longer has the need for a regional park and prefers HOA maintained neighborhood parks along with required trails.

Even though this request is for 148 additional lots than originally rezoned, the 450 residential lots with multiple neighborhood parks will better utilize the land along with providing closer conformance to the comprehensive plans minimum RAC requirement.

Staff finds concurrency of infrastructure per reporting agencies, subject to provision of infrastructure to serve the rezoning site as required by existing and recommended rezoning conditions. The conditions require on- and off-site improvements as determined necessary for road improvements, drainage improvements, and Pima County's public sewerage system. Per attached letter from Tucson Water, the rezoning site will be serviced by Tucson Water.

#### TRANSPORTATION

The Department of Transportation (DOT) has reviewed this request and has no objection to the rezoning time extension request and modification of rezoning condition #9 for the rezoning site located north of Irvington Road, east and west of Kinney Road. Site access is proposed on Kinney Road and Irvington Road.

Irvington Road is a paved two-lane roadway maintained by the county with a posted speed limit of 45 miles per hour (mph). Irvington Road is classified as an Urban Major Arterial by its functional federal classification. The 2019 traffic counts for Irvington Road west of Kinney Road is 7,312 average daily trips (ADT) and east of Kinney Road is 8,353 ADT, with an approximate roadway

capacity of 12,390 ADT. Renumbered rezoning condition #2B is still required for right-of-way dedication for Irvington Road.

Kinney Road is a paved two-lane roadway maintained by the county with a posted speed limit of 35 mph. Kinney Road is classified as an Urban Major Collector by its functional federal classification. The 2019 traffic counts for Kinney Road is 4,941 ADT with an approximate roadway capacity of 10,350 ADT. The Arizona Department of Transportation (ADOT) maintains approximately 1,400 feet of Kinney Road right-of-way south of Ajo Highway.

The Major Streets Plan shows that Joseph Avenue will be realigned with Kinney Road and Pima County Department of Transportation has a planned roundabout at the future intersection of Irvington Road/ Kinney Road / Joseph Avenue. The realignment and roundabout is still under design and the construction is tentatively scheduled for the 2024 fiscal year under Capital Improvement Project 4IRCAP. The Major Streets Plan indicates 150 feet of future right-of-way for Kinney Road, but given the proposed DOT improvements, the ultimate right-of-way dedication for the Kinney Road realignment and dedication for the northwest and northeast corner pieces for the Irvington Road/ Kinney Road/ Joseph Avenue intersection shall be coordinated with DOT staff at time of tentative plat submittal and any reconfiguration to the onsite layout shall meet Pima County standards. Rezoning condition #2D for right-of-way dedication for Kinney Road is being modified at this time.

The northern two access points on Kinney Road falls within ADOT's right-of-way, therefore, coordination with ADOT for any traffic impacts to their roadway system will be required. The location of access points in the proximity of the roundabout shall be coordinated with Transportation staff at the time of tentative plat submittal and any reconfiguration shall meet Pima County standards. A traffic impact study will better determine the functionality of these access points and the relationship with the roundabout at the intersection of Kinney Road/Joseph Avenue road realignment.

The east portion of the rezoning site proposes 45 residential lots with two fully functional access points on Irvington Road. The west portion of the rezoning site proposes 405 residential lots with four fully functional access points, three on Kinney and one on Irvington Road. A stub street for future connection on Sheridan Avenue is also proposed. Sheridan Avenue is a dirt roadway not maintained by the county. The Department of Transportation does not have a plan to improve Sheridan Avenue in the near future nor is it listed in the Regional Mobility and Accessibility Plan (RMAP) or the short-range Transportation Improvement Program (TIP). No improvements are proposed at this time on Sheridan Avenue and rezoning condition #2B is proposed to be removed.

The proposed subdivision will generate approximately 4,243 ADT. Given the adjacent roadway network is functioning well under the capacity, there are no concurrency concerns with this request.

DOT has no objection to the proposed rezoning time extension and modification of rezoning condition subject to additions and modifications of renumbered rezoning conditions #2A-F.

### **FLOOD CONTROL**

Regional Flood Control District has the following comments:

1. This property contains Flood Control Resource Areas (FCRA) along the north and south boundaries and within the central portion of the property.
2. A Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone (SFHA) A and a Local Floodplain (Red Butte/Saginaw Hill Area Special Study, 7/08/2019) impact the

property. The FEMA floodplain within this area was recently revised by a Letter of Map Revision (LOMR) with an effective date of May 27<sup>th</sup>, 2020. Following review of the first submittal, the District requested a reduction in the extent of encroachment into the SFHA. The applicant provided an acceptable lot layout.

3. The PDP has been revised to remove additional road encroachment into the SFHA and additional exposure of traffic to roadways that are not all-weather access.
4. The upstream limits of the project encroach into FEMA Zones A and Shaded X and the Red Butte/Saginaw Hill local study floodplain. Upstream drainage infrastructure may be required within the property boundary which could affect lot layout.
5. When improvements are proposed within the effective FEMA SFHA, both a Conditional Letter of Map Revision (CLOMR) and LOMR are required. The CLOMR must be approved by FEMA prior to start of grading.
6. Regulated Riparian Habitat (RRH) impacts this project in four locations. The RRH is classified as Xeroriparian Class A, B and C Habitat and the project avoids impact to the RRH.
7. This project shall meet Critical Basin detention requirements.
8. First flush retention is a requirement and shall be distributed throughout the project site.
9. The rezoning conditions provided in Resolution No. 2017-93 are required by the Floodplain Ordinance, therefore, the District prefers to delete the existing conditions and replace with the recommended renumbered condition #'s 3A-H.

### **WASTEWATER RECLAMATION**

The Pima County Regional Wastewater Reclamation Department (PCRWRD) reviewed the request and has no objection to the rezoning time extension or the modification of rezoning condition. The existing wastewater conditions #4A-H in Rezoning Resolution No. 2017-93, adopted by the Board of Supervisors on December 12, 2017, do not require any revision.

### **ENVIRONMENTAL QUALITY**

Environmental Quality has no objection or comments.

### **ENVIRONMENTAL PLANNING**

Environmental Planning has no objection or comments.

### **CULTURAL RESOURCES**

Cultural Resources has no objection or comments.

### **NATURAL RESOURCES, PARKS AND RECREATION**

Natural Resources, Parks and Recreation reviewed the request and has no objection to the proposed rezoning time extension and modification of rezoning conditions subject to replacing the current condition with rezoning condition #'s 5A-D along with maintaining condition #10.

### **UNITED STATES FISH AND WILDLIFE SERVICE**

US Fish and Wildlife Service has concerns relating to the subject property. Species impacted, concerns and suggested mitigation measures are as follows:

Habitat on this property may support federally listed or sensitive species such as, but not limited to, the Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*), the cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*), lesser long-nosed bats (*Leptonycteris curasoae yerbabuena*), the Sonoran desert tortoise (*Gopherus morafkai*), or the Tucson shovel-nosed snake (*Chionactis annulata klauberi*). Other species of potential conservation concern in this region are identified in the Pima County Multi-Species Conservation Plan at: <https://webcms.pima.gov/cms/One.aspx?pageld=52674>, by clicking on the "Species" tab. If you suspect one or more sensitive species could be affected by

this zoning action, we recommend surveys be conducted by qualified personnel.

**WATER DISTRICT**

Tucson Water has no comment.

**FIRE DISTRICT**

Drexel Heights Fire District has no comment.

**SCHOOL DISTRICT**

Tucson Unified School District has no comment.

**PUBLIC COMMENT**

As of June 13, 2022 staff has not received any written comments.

Published and mailed notice of the proposal along with website posting of this staff report occurs prior to public hearing. The agenda on the Planning and Zoning Commission website will be updated to include public comments. For the Board of Supervisors action, public comments will be provided to the Board for updates to their agenda.

Respectfully Submitted,

*Donna Spicola*






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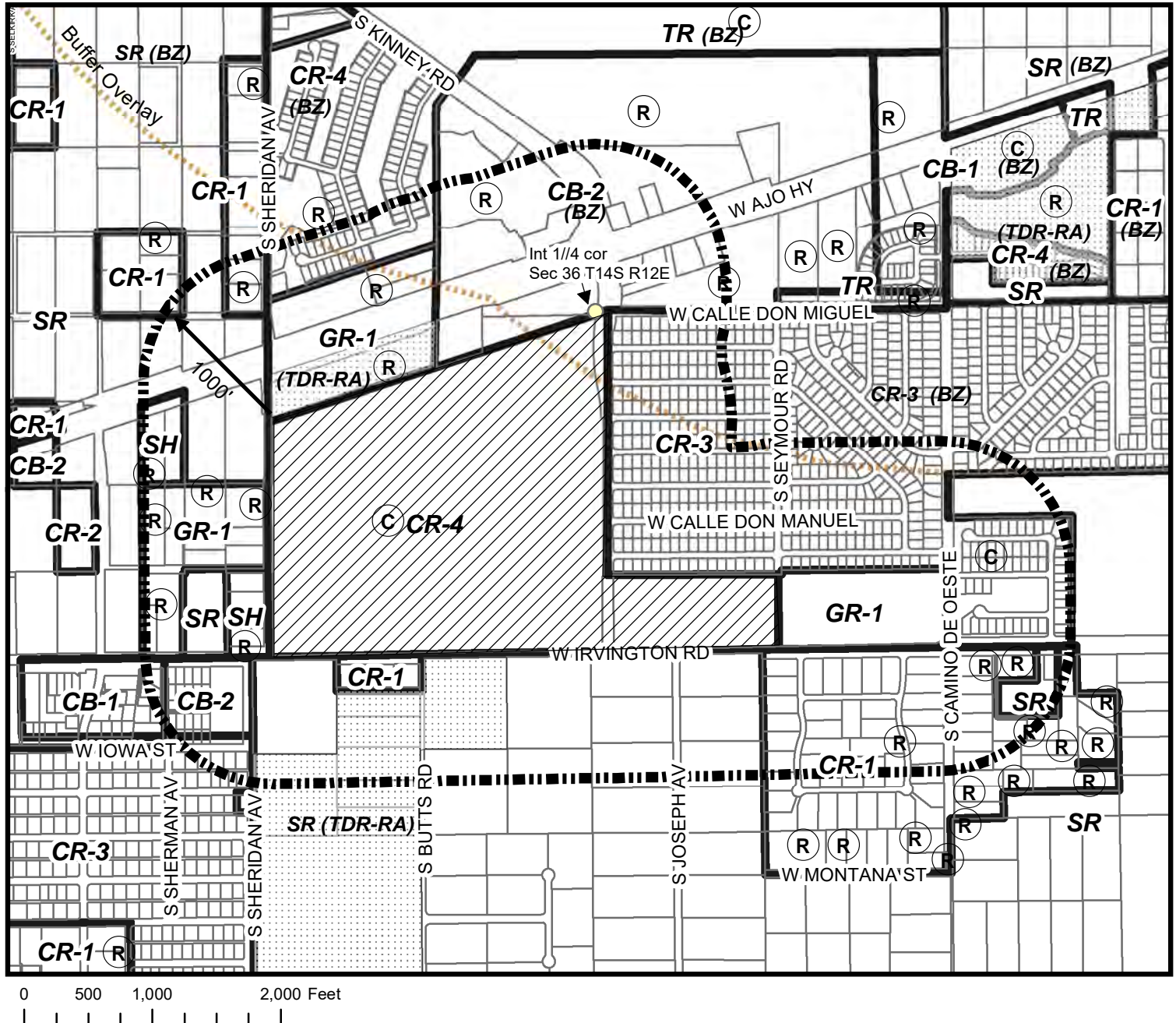
Donna Spicola  
Senior Planner

c: Paradigm Land Design LLC

# CO9-05-30 STEWART TITLE & TRUST #1580 - KINNEY ROAD REZONING

Portions of Tax Code(s): 212-50-012H & 212-50-012J

-  Subject Property
-  1000' Notification Area
-  Zoning Boundary
-  Buffer Overlay Zone (BZ)
-  TDR



## PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION



Notes:

**Time Extension/Modification of Rezoning Condition (Substantial Change)**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / Accela Case #: P22SA00001

Planning & Zoning Hearing: 6/29/22 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 17, 36, 37, 38

Map Scale: 1:14,000

Map Date: 5/26/2022 - ds





## **Neighborhood Activity Center (NAC)**

Objective: To designate lower intensity mixed use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed use centers may contain medium density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how the project serves to create or enhance the mixed use character of the designated activity center as a whole.

- Residential Gross Density: (if applicable) Minimum- 5 RAC; Maximum- 12 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 8 RAC

## **Medium Low Intensity Urban (MLIU)**

Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.

- Residential Gross Density: Minimum- 2.5 RAC; Maximum- 5 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 2.5 RAC; Maximum- 4 RAC



## **Medium Intensity Urban (MIU)**

Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

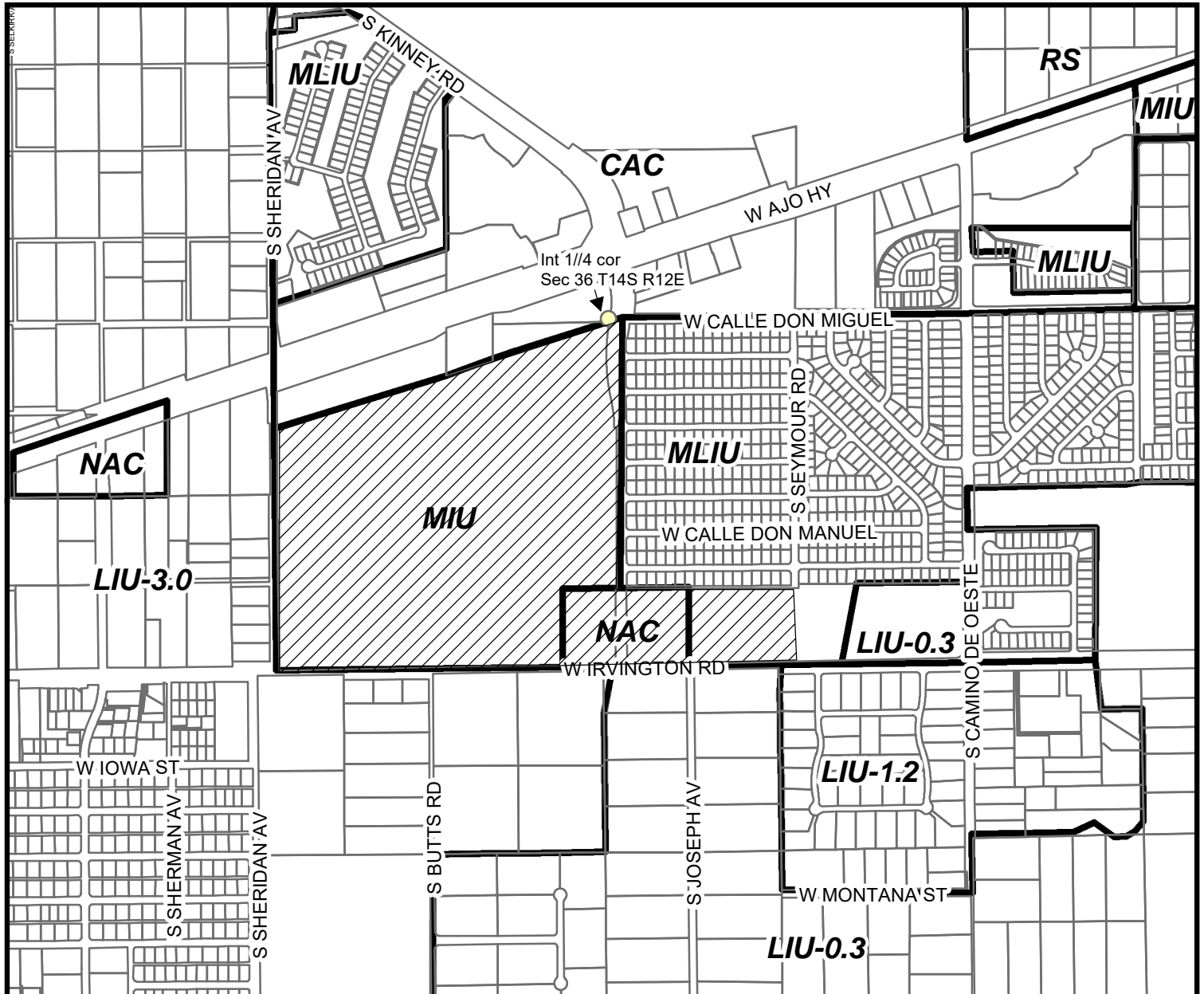
- Residential Gross Density: Minimum- 5 RAC; Maximum- 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 10 RAC

# CO9-05-30 STEWART TITLE & TRUST #1580 - KINNEY ROAD REZONING

Portions of Tax Code(s): 212-50-012H & 212-50-012J

## COMPREHENSIVE PLAN EXHIBIT

 Subject Property



0 500 1,000 2,000 Feet

## PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION



Notes:  
Time Extension/Modification of Rezoning Condition (Substantial Change)  
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / Accela Case #: P22SA00001

Map Scale: 1:14,000

Map Date: 5/26/2022 - ds



## **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.

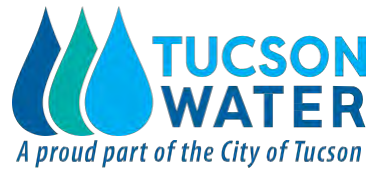
#### **C. Regional Flood Control District:**

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.



May 23, 2022

Paradigm Land Design LLC  
7090 N. Oracle Rd. #178-193  
Tucson, AZ 85704

Attn: Clay Goodwin

**SUBJECT: Water Availability for Project: 4453 S. Sheridan Ave., APN: 212-50-012H**  
**Case #: WA4030, T-14 R-12 S-36, Lots: 9999, Location Code: UNI, Total Area: 142.9ac, Zoning: CR-4**

**WATER SUPPLY**

Tucson Water will provide water service to this project based on the subject zoning of the above parcels. Tucson Water has an assured water supply (AWS) designated from the State of Arizona Department of Water Resources (ADWR). An AWS designation means Tucson Water has met the criteria established by ADWR for demonstration of a 100-year water supply - it does not mean that water service is currently available to the subject project.

**WATER SERVICE**

The approval of water meter applications is subject to the current availability of water service at the time an application is received. The developer shall be required to submit a water master plan identifying, but not limited to 1) Water Use; 2) Fire Flow Requirements; 3) Offsite/Onsite Water Facilities; 4) Loops and Proposed Connection Points to Existing Water System; and 5) Easements/Common Areas.

Any specific area plan fees, protected main/facility fees and/or other needed facilities' cost, are to be paid by the developer. *If the existing water system is not capable of meeting the requirements of the proposed development, the developer shall be financially responsible for modifying or enhancing the existing water system to meet those needs. This letter shall be null and void two years from the date of issuance.*

**Issuance of this letter is not to be construed as agency approval of a water plan or as containing construction review comments relative to conflicts with existing water lines and the proposed development.**

If you have any questions, please call New Development at 791-4718.

Sincerely,

Michael Mourreale  
Engineering Manager  
Tucson Water New Development

MM:ka

cc: WA4030 21250012H.docx/New Area/Committed Demand/WAL parcels

## Co9-05-30 Board Approved Minutes 8/21/17

### 21. Hearing - Rezoning Closure/Time Extension

#### A. Rezoning Closure

##### Co9-05-30, STEWART TITLE & TRUST NO. 1580 - KINNEY ROAD REZONING

Proposal to close Co9-05-30, a 146.1-acre rezoning 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) located on the north side of Irvington Road and the east and west sides of Kinney Road. The rezoning was conditionally approved in 2007 and expired on March 6, 2017. Staff recommends AGAINST CLOSURE. (District 3)

#### B. Rezoning Time Extension

##### Co9-05-30, STEWART TITLE & TRUST NO. 1580 - KINNEY ROAD REZONING

Request of Stewart Title & Trust No. 1580, represented by The WLB Group, for a five-year time extension for the above-referenced rezoning 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). The rezoning was conditionally approved in 2007. The site is located on the north side of Irvington Road and the east and west sides of Kinney Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

- ~~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.~~
- ~~61. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.~~
- ~~72. 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. 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.~~
  - ~~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. 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.~~

- C. The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of on Irvington Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
  - D. 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.
  - E. 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.
83. ~~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.
  - J. Encroachment into Flood Control Resource Areas as shown on the Pima Prospers Regional Hydrology Maps shall be allowed with justification for encroachment or if 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.
  - K. 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.
94. ~~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.~~
- 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.
405. 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.~~
- The required recreational area and recreation features shall be constructed within the rezoning area.
446. 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 (*Mesembryanthemum crystallinum*)  
 Arabian grass (*Schismus arabicus*)  
 Natal grass (*Melinis repens*) (*Rhynchelythrum repens*)

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.

427. Landscaping conditions:

- A. Saguars 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.~~

448. 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.

459. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").

~~4610.~~ 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.

~~4711.~~ The property owner(s) shall execute and record a the following 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)."

~~4812.~~ 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.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 3-0 vote, Supervisor Valadez not present for the vote, to close the public hearing, recommend against closure and approve the five year time extension for Co9-05-30, subject to original and modified standard and special conditions.

**22. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 26, P17RZ00001, Hayt TR - South La Cañada Drive No. 3 Rezoning. Owners: Hayt, Lester J. Jr & Suzanne TR (District 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson and carried by a 3-0 vote, Supervisor Valadez not present for the vote, to close the public hearing and adopt the Ordinance.

**PRESENTATION/PROCLAMATION**

23. Presentation of a proclamation to Dr. John David Arnold, proclaiming the day of Saturday, August 26, 2017 to be:  
"PORTABLE PRACTICAL EDUCATIONAL PREPARATION, INC. DAY"

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item. Supervisor Elías made the presentation.

**CONTRACT AND AWARD**

**COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

24. Community Home Repair Projects of Arizona, Inc., Amendment No. 1, to provide for the Emergency Home Repair and Home Safety Program, HUD CDBG Owner-Occupied Housing Rehabilitation and amend scope of work, Community Development Block Grant Fund, contract amount \$25,000.00 (CT-CD-17-151)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 3-0 vote, Supervisor Valadez not present for the vote, to approve the item.

**COUNTY ATTORNEY**

25. Mark VonDestinon, Ph.D., Amendment No. 1, to provide for Child Abuse, Domestic Violence, Drug Endangered, Sexual Assault Protocols and Related Projects and extend contract term to 8/31/18, Special Revenue Fund, contract amount \$45,000.00 (CT-PCA-17-134)

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 3-0 vote, Supervisor Valadez not present for the vote, to approve the item.



201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

[www.pima.gov/developmentservices](http://www.pima.gov/developmentservices)

## BIOLOGICAL IMPACT REPORT

*(Not applicable for rezonings that require a site analysis)*

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

**INSTRUCTIONS FOR SAVING FORM:** 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

**Project ID (case no., APN no., address, or other identifying info):**

### **Part I. Information Provided by Pima County Staff**

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
2. Is the project within a CLS Special Species Management Area?
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl:
  - b. Western burrowing owl:
  - c. Pima pineapple cactus:
  - d. Needle-spined pineapple cactus:

**Part II. Information Provided by the Applicant**

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property?  
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl			
Western burrowing owl			
Pima pineapple cactus			
Needle-spined pineapple cactus			

**Questions about this form?**

**Contact the Office of Sustainability and Conservation at (520) 724-6940.**



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<b>To:</b>	Pima County Development Services Dept. Attn: Donna Spicola, Senior Planner 201 North Stone Avenue Tucson, AZ 8501	<b>FROM:</b>	Paul Oland
		<b>DATE:</b>	5/6/2022
		<b>PROJECT #:</b>	19axd02
<b>PROJECT:</b>	Kinney Road Rezoning (Co9-05-30) 146.1 Acres / APN 212-50-012H & 212-50-012J Request for Rezoning Time Extension and Modification of Rezoning Conditions		

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Dear Donna,

Thank you for your review of this project and assistance coordinating with the various departments. As you know, the subject property, which is owned by Stewart Title & Trust #1580, was rezoned a number of years ago and has been granted extensions due to the market crash, extended recovery period, and Tucson Water service hurdles. Over the last several years we have made significant progress toward the development of the subject property. Most notably, we have finally secured Tucson Water service for the project, which previously had been a critical development impediment. Additionally, the property is under contract to be purchased by a national homebuilder, and preparation of the plat is already underway. We expect the engineering development package to be submitted within the next three to four months, and then approved in the fall of 2022. Unfortunately, that is beyond the expiration of the rezoning, so we respectfully request that an additional extension be granted (our initial request for an extension was made prior to the expiration). I have attached the site plan that the homebuilder plans to develop. I understand that the proposed site plan revision classifies this request as a Modification of Rezoning Conditions (Substantial Change). Accordingly, we request the following:

- Replace the outdated Preliminary Development Plan currently attached to this rezoning case as Exhibit "B" with the attached PDP.

The updated PDP varies from the original in several ways:

- It better utilizes the land, being closer to conformance with the Comprehensive Plan's Medium Intensity Urban land use designation by increasing the number of homes from 302 (2.1 RAC) to approximately 450 (3.0 RAC).
- It removes the regional park that was previously proposed and replaces it with multiple neighborhood-scale parks that will serve the future residents for conveniently. Pima County Parks & Recreation indicated that they do not plan to maintain a regional park at this location, so modification of that plan element is warranted. The proposed neighborhood recreation areas will be sized and amenitized in conformance with current County requirements. Overall open space acreage will be roughly 40% while minimizing impacts to the mapped CLS riparian areas onsite. In fact, the proposed PDP includes much less riparian encroachment than the existing PDP.
- Trails will be provided internally and also along Irvington Road as requested by Parks & Rec.



**PROJECT #:** 19axd02

**DATE:** 5/6/2022

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- The number of access points provided for the overall development will be five, which is in conformance with County guidelines. An additional access point may be gained in the future via a street stub-out to be constructed westward to Sheridan Avenue, which is currently unimproved.
- The existing PDP's minimum lot size is 65' x 95', which is shallow by today's standards. The proposed minimum lot size of 40' x 120' provides additional depth that is in line with current homebuyer demands.
- A national homebuilder is actively pursuing development of this property, which would help meet some of the high demand for new homes in this part of the Tucson metropolitan area, and which will also help bring new businesses to the Community Activity Center designated by the Comprehensive Plan around the intersection of Ajo Highway and Kinney Road.

Again, thank you for your time. Please let me know if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Oland", with a long, sweeping horizontal line extending to the right.

Paul Oland



### LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

**APN 212-50-012H & -012J (No Address Assigned)**

Property Address

**Rezoning Amendment / Time Extension**

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)


**Paul Oland**

Digitally signed by Paul Oland  
Date: 2022.02.18 11:36:02 -07'00'

Signature of Applicant

Date

**AUTHORIZED BY:**

  
Signature of Property Owner

2/22/22  
Date

Stewart Title & Trust of Tucson, an  
Arizona corporation, as Trustee under  
Trust # 1580, as Trustee only and  
not otherwise.

**Stewart Title & Trust #1580**  
**Beneficiaries List**

Seymour Family LLC  
Estelle Elliott  
Ted Elliott

**Seymour Family LLC**  
**Beneficiaries List**

Estelle Elliott  
Ted Elliott



RESOLUTION 2017- 93

**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 THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-85 AS AMENDED BY RESOLUTION 2014-111.**

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 Zone) and GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) to CR-4 (Mixed-Dwelling Type Zone) and CR-4 (BZ) (Mixed-Dwelling Type – Buffer Overlay Zone), 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 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 2014-111.
7. On August 21, 2017, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension subject to modified standard and special conditions.
8. Section 3 of Ordinance No. 2009-85 and the Pima County Code allow 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 No. 2009-85, as amended by Resolution 2014-111, 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.~~
61. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
72. 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. 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.~~
  - ~~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. 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.~~
  - C. The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of on Irvington Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
  - D. 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.
  - E. 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.

83. ~~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.
- J. Encroachment into Flood Control Resource Areas as shown on the Pima Prospers 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.
- K. 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.

94. ~~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.~~

- 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.

405. 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.~~

The required recreational area and recreation features shall be constructed within the rezoning area.

446. 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 (*Mesembryanthemum crystallinum*)  
Arabian grass (*Schismus arabicus*)  
Natal grass (*Melinis repens*) (*Rhynchelythrum repens*)

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.

427. Landscaping conditions:

- A. Saguars 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.~~

448. 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.

459. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").

4610. 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.

4711. The property owner(s) shall execute and record a the following 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)."

4812. 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

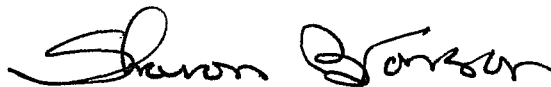
governmental facilities.

- B. At the discretion of the Planning Official, pProposed 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. Section 3 of Ordinance No. 2009-85, as amended by Resolution 2014-111, is restated and modified as follows:

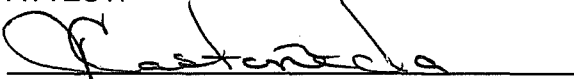
- 1. Conditions 1 through ~~48~~12 shall be completed by March 6, ~~2017~~2022.
- 2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
- 3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through ~~47~~12 are satisfied and the Planning Official issues a Certificate of Compliance.
- 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.

Passed and adopted, this 12th day of December, 2017.




Chair, Pima County Board of Supervisors

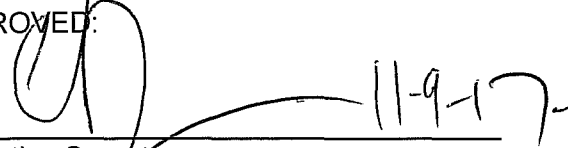
ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM:

 10/23/2017  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

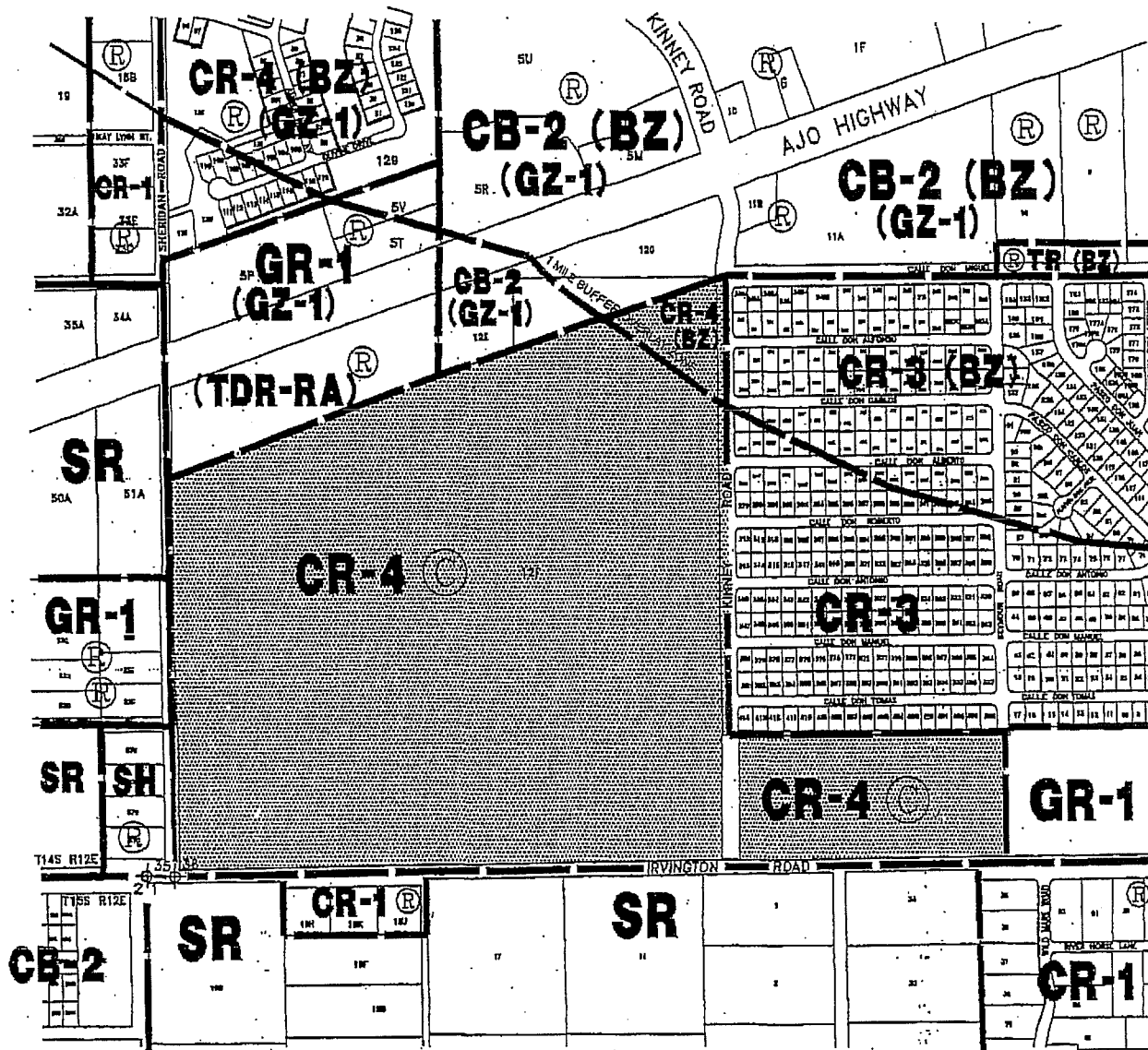
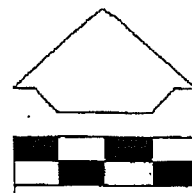
 11-9-17  
Executive Secretary  
Planning and Zoning Commission



# 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



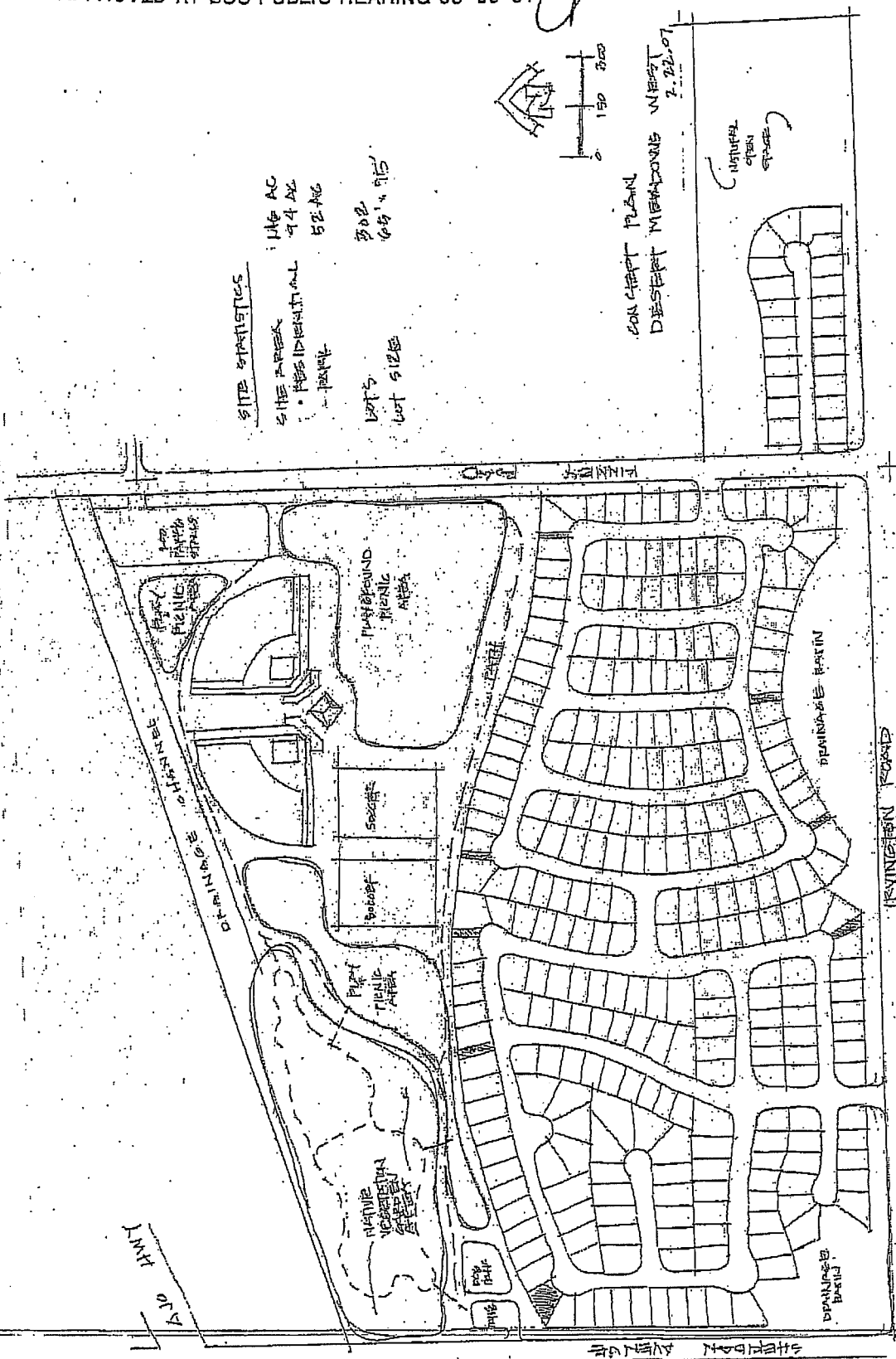
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© 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.

# PRELIMINARY DEVELOPMENT PLAN

APPROVED AT BOS PUBLIC HEARING 03-06-07



## 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.**

## PUBLIC COMMENT

-----Original Message-----

From: marcy ochoa <[marcychoa7@msn.com](mailto:marcychoa7@msn.com)>

Sent: Wednesday, June 22, 2022 1:48 PM

To: Terri Tillman <[Terri.Tillman@pima.gov](mailto:Terri.Tillman@pima.gov)>

Subject: Kinney road rezoning

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Ms Tillman

My name is Marcela Ochoa, I'm a resident at 5041 S Camino de Oeste. We received a letter from Pima County Development Services Department about the rezoning of an area close to our home.

My question is, what kind of homes are going to be developed on this piece of property? Will they be residential homes ? Will they be homes for lease only?

We currently, have new homes being developed on the corner of Irvington and Camino de Oeste that are for lease. Our concern is that rental properties will have people/families that aren't vested into their homes. People moving in and out. We would like to know if the property that is getting developed/rezoned be homes for sale Or leasing?

I can't make the meeting that is scheduled for Wednesday June 27, 2022. Can this question be asked and my concern be made known?

Thank you .

Sincerely,

Marcela Ochoa, Raul Ochoa

520 275-0497

**From:** Angelica Tellez <[angelicatellegu@gmail.com](mailto:angelicatellegu@gmail.com)>

**Sent:** Wednesday, June 22, 2022 3:41 PM

**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>

**Subject:** KINNEY ROAD REZONING

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To whom it may concern

I am writing this letter, in response to a notice that arrived at our home, informing that there will be major changes in Kinney Road and Irvington, as a resident of this neighborhood, I am totally against such construction, in the fourteen years that we have lived here, we have seen how delinquency has been growing, because of the "great changes" the traffic on Ajo street has become unsustainable in the early hours of the day, another reason that drives me to protest is the destruction of the poor nature that we have in this city, nature that gives us the opportunity to breathe fresh air. Totally against these substantial changes, in the city of Tucson there are large empty lands without buildings or trees, which can be used for these "substantial changes"

Thank you for hearing my protest

**From:** Ron and Dot Dillenburg <[azdille@msn.com](mailto:azdille@msn.com)>

**Sent:** Thursday, June 23, 2022 4:07 PM

**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>

**Subject:** Kinney Road Rezoning, Meeting of Planning and Zoning Commission, July 27, 2022

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To whom it may concern:

My name is Dorothy Dillenburg and I am the owner of the property at 4997 W. Calle Don Alfonso. My children and grandchildren live in the home. It is located on the Southwest corner of Calle Don Alfonso and Kinney Road. I am writing in regards to the Kinney Road Rezoning, per letter I received.

My protest mainly addresses the flooding issue caused by the recent raising and expansion of Kinney Road to accommodate the increased traffic. During the summer of 2021, heavy rains caused flooding to occur on Calle Don Alfonso, and the run off drained directly into the property of 4997 W. Calle Don Alfonso, front and back yards. It also started undermining and eroding the newly developed embankment of Kinney Road. Maintenance crews came and cleared the many inches of mud that covered the Calle Don Alfonso street due to inadequate drainage. They saw the erosion of the Kinney Road embankment, saw the erosion in the front yard, saw the mud and debris on the driveway and in the yard of 4997, and chuckled when asked who we should address concerning this flooding. "Good luck with that," was the response. We cleaned the mud that seeped inside the garage, and put sandbags around the garage door, front door, and back door. We also obtained flood insurance. The HOA people also commented that it was so sad that the property caught all the run off, shrugged their shoulders and hung up.

Sandbags have already been placed in advance of this year's monsoon rains. The bags will remain until the monsoon rains have ended.

If you want to build anything on the west side of Kinney, please do a better job of understanding where the rain runoff goes. Maybe even fix the runoff problem on Calle Don Alfonso, and repair the erosion that is beginning on Kinney Road embankment. The current situation at 4997 Calle Don Alfonso is absolutely unacceptable, but the economic crisis has made it impossible for my children and grandchildren to move.

I cannot attend the virtual meeting, but would appreciate the flooding issue being addressed.

Thank you for your time,

Dorothy Dillenburg  
520-574-0331

TO: DEVELOPMENT SRV. DEPT.  
PLANNING DIVISION  
201 N. STONE AVE - 1ST FLOOR

\* RE: TIME EXTENSION/MODIFICATION  
OF REZONING CONDITION  
(SUBSTANTIAL CHANGE) NO!!!

ACCELA CASE #:  
P225A00001

FROM: VIRGINIA L. HRDLICKA  
4625 W. CALLE DON TOMAS  
TUC, AZ 85757

(PROPERTY OWNER - ORIGINAL TUC. MTN. VILLAGE)

I AM 100% AGAINST REZONING  
A BUFFER ZONE IN SOUTH WEST  
PIMA CNTY WHICH WAS CREATED TO  
STOP URBAN SPRAUL, AND... MORE  
IMPORTANTLY... TO PRESERVE  
PIMA CNTY NATURAL HABITAT.  
TUCSON MOUNTAIN VILLAGE IS



ALREADY BEGINNING TO LOOK  
LIKE URBAN SPRAUL JUST  
LIKE THE CITY. THEY HAVE  
ALREADY BUILT TONS OF NEW  
HOMES TO THE NORTH, WEST, AND  
EAST OF OUR RURAL SETTLEMENT  
AREA. DEVELOPERS ARE MAKING  
MILLIONS OF DOLLARS HERE  
ALREADY. NOW, THE FACT THAT  
THEY ARE ASKING TO PROFIT  
BY DESTROYING OUR BUFFER  
ZONE IS THEIR INTENT TO  
CONTINUE DESTROYING PIMA  
CNTY NATURAL HABITAT FOR  
PROFIT. ONE WONDERS HOW  
THIS COULD EVEN BE A  
CONSIDERATION TO PIMA CNTY.  
PIMA CNTY BUFFER ZONES  
SHOULD ALL REMAIN!  
SUBSTANTIAL CHANGE IS THE  
REASON BUFFER ZONES WERE  
CREATED FOR SPECIFICALLY  
THIS REASON.

CONTINUE, HOWEVER, I AM  
100% AGAINST THIS PLAN  
TO DESTROY PIMA CNTY  
BUFFER ZONE., SO THAT  
STEWART TITLE & DEVELOPERS  
PROFIT!

NO!!!

Virginia L. Hrdlicka

TO: 201 N. ~~Stone~~ Ave. - 1st Floor  
Tucson, AZ 85701

RE: TIME EXTENSION/MODIFICATION  
OF REZONING CONDITION  
\* (SUBSTANTIAL CHANGE !!!)

ACCELA CASE #-  
P225A0001

FROM: VIRGINIA L. HRDLICKA  
4625 W. CALLE DON TOMAS  
TUC, AZ 85757  
(PROPERTY OWNER -  
(ORIGINAL TUCSON MTN. VILLAGE)

I AM 100% AGAINST REZONING  
THE BUFFER ZONE NORTH OF

IRVINGTON + CAMINO DE OESTA,  
A BUFFER ZONE IN S.W.

PIMA CNTY WAS CREATED TO  
STOP URBAN SPRAUL + MORE  
IMPORTANTLY... TO PRESERVE  
CNTY NATURAL HABITAT

TUCSON MOUNTAIN VILLAGE IS AN

**From:** Denise Ybarra <[denisemybarra@yahoo.com](mailto:denisemybarra@yahoo.com)>  
**Sent:** Monday, July 25, 2022 11:45 PM  
**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>  
**Subject:** Case Co9-05-30

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Hi, I would like to address the commission with concerns about the request for resining Kinney Road, Co9-05-30

The 302 homes is plenty for the space. An additional 148 is excessive for the area.

The area is better suited for larger lots and lower density due to its proximity to Gates Pass, the desert museum, and old Tucson all attractions that feature the natural desert. The more condensed housing plan does not fit with the area or the existing residential set up.

Please Pima County let's do our part to minimize the impact of the construction and destruction of the natural desert by limiting the zoning to the current established amount of 302.

Thank you!  
Denise Ybarra

**From:** ERICK RAMIREZ <[eram007@hotmail.com](mailto:eram007@hotmail.com)>  
**Sent:** Monday, July 25, 2022 4:54 PM  
**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>  
**Subject:** 7/27/2022

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

erick ramirez  
c09-05-30 kinney road rezoning

no no

other comment:

Paradigm land dev build another subdivision down the street and half of the houses were sold to investors, which drive up the prices. They tore up the roads and did sloppy jobs on patching them, had rock hammer going for 6 month (lots of noise) and scrapped the land off. Just the other day Irvington had some rain and the subdivision water goes right into Irvington road. the steel fences cheap. lots of snakes, pack rats Catus in the area will only move to the other subdivision

living down the street in Sage Creek we have brown outs so I guess it going to get worst, now wanting to beat the peak for electricity. on Irvington houses on one acre lots have 20 ft buffer zones.

in the past the property use to fill up water like a lake Tucson estate receive over 2.5 inched of rain down Irvington 3/4+ inches a disaster that might come. the school system isn't ready for more.

The roads can't handle the traffic as to seeing the traffic every day. adding more homes more problems its not ready.

higher water rates for Pima county resident, future water shortages for the Pima county and the state.

the info structure is not there to add more house and to change the master plan should include increase the buffer zones, walls around the subdivision, solar,

**From:** I Gonzales <[iliana.gonzales@gmail.com](mailto:iliana.gonzales@gmail.com)>  
**Sent:** Tuesday, July 26, 2022 10:46 AM  
**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>  
**Subject:** Co9-05-30 Kinney Rd. Development

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Good morning,

I just found out about this meeting and I would like to attend, but I have a meeting that conflicts with this one.

I am not in support of this request and would like to voice my concerns.

Where can I direct a letter? Would sending it to the supervisor responsible for my district be a start?

Thank you in advance for your help.

Iliana Gonzales

[iliana.gonzales@gmail.com](mailto:iliana.gonzales@gmail.com)

520-331-2632

**From:** Arlene Kummetz <[arleneann2@gmail.com](mailto:arleneann2@gmail.com)>  
**Sent:** Tuesday, July 26, 2022 2:44 PM  
**To:** DSD Planning <[DSDPlanning@pima.gov](mailto:DSDPlanning@pima.gov)>  
**Subject:** Co9-05-30

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I have a concern RE: Co9-05-30, Kinney Rd. Development.

I understand the developer has made a request to increase the number of homes at this location from 302 to 450. 302 is 302 too many, 450 is a travesty!

This area of Pima County should be maintained in a more pristine manner due to it being so near the Tucson Mountains. The amount of traffic this would generate will be detrimental to current homeowners.

Growth is not always a good thing. It seems city planners believe that they have to be constantly adding people and businesses to be successful. Tucson's success is that it is a unique city offering a diverse amount of dining, entertainment, educational opportunities, and recreation in a beautiful, smaller, slower paced setting than Phoenix. We don't want to be like Phoenix!

Where is the water coming from for these homes? We are bombarded with the notion that AZ is running out of water yet this rampant building takes lots of water. Where is it coming from?

Since the 302 homes have already been approved, why not require the builder to install a water catchment system of some type with each home? Even a 50 - 100 gallon rain barrel would be quite helpful.

I trust you will seriously consider my concerns before voting.

Arlene Kummetz

2180 S. Double O Pl., Tucson, AZ 85713

520-483-0328

**From:** [N.Rossa](#)  
**To:** [DSD Planning](#)  
**Subject:** Rezoning of Co 05-30 on Kinney Rd., Tucson  
**Date:** Wednesday, July 27, 2022 6:29:43 AM

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We are residents at 6104 W. Twilight Echo Court, Tucson. We are vehemently opposed to the rezoning of this project that would allow density of homes in the project to be increased from 302 homes to 450 homes! Congestion, impact on the environment are our reasons for opposition!! The area supports desert vegetation & animals & this additional density & pollution impacts the environment negatively!! Please say No!  
Lloyd & Noreen Rossa



**From:** [FRANK & PAULETTE STANISLOWSKI](#)  
**To:** [DSD Planning](#)  
**Subject:** Cat Montain Vista rezoning  
**Date:** Tuesday, July 26, 2022 10:22:26 PM

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I live in nearby Tucson Estates and have some concerns of further home development in the area. I am concerned about 1. flooding, as our recent 2 1/2" rain caused considerable flooding in our neighborhood

2. more heat from more paved surfaces
3. also more wildlife habitation removed.

Thank you for your consideration. Paulette and Frank Stanislawski, Tucson Estates

**From:** [josefinaherrick82](#)  
**To:** [DSD Planning](#)  
**Subject:** Zoning,,  
**Date:** Tuesday, July 26, 2022 9:48:12 PM

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I disagree about more homes,

It's so wrong ..houses are already extremely close from each other.

Unfortunately I will not be able to be in the zoom meeting, due to a wedding,,I will take a flight at 10am July 27.

Sincerely

Josefina Herrick.

**From:** [vincent.reis](#)  
**To:** [DSD Planning](#)  
**Subject:** Protest of Co-05-30  
**Date:** Tuesday, July 26, 2022 4:37:12 PM

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