



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: December 4, 2018

Title: Ordinance: P17RZ00007 Stewart Title & Trust TR 1580 - S. Kinney Road Rezoning

**Introduction/Background:**

The Board of Supervisors approved this rezoning May 15, 2018.

**Discussion:**

The rezoning was for an approximately 64.8-acre rezoning from GR-1 (BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) zone for a cohesive 207-lot residential subdivision complying with the Maeveen Marie Behan Conservation guidelines with on-site natural open space and complying with the Buffer Overlay Zone through a Design Review Committee exception.

**Conclusion:**

The Ordinance reflects the Board of Supervisors approval of the rezoning.

**Recommendation:**

Approval

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Development Services - Planning Telephone: 520-724-9000

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

Department Director Signature/Date:  11-16-18

Deputy County Administrator Signature/Date:  11/21/18

County Administrator Signature/Date:  11/21/2018



**PIMA COUNTY**  
DEVELOPMENT SERVICES

Subject: P17RZ00007

Page 1 of 1

---

**FOR DECEMBER 4, 2018 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
**DATE:** November 16, 2018

---

**ORDINANCE FOR ADOPTION**

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

If approved, adopt **ORDINANCE NO. 2018 - \_\_\_\_\_**

---

**OWNERS:** Stewart Title & Trust TR 1580  
2238 Melford Court  
Thousand Oaks, CA 91361

**AGENT:** WLB Group, Inc.  
Attn: Paul Oland  
4444 E. Broadway Blvd.  
Tucson, AZ 85711

**DISTRICT:** 5

**STAFF CONTACT:** Terrill Tillman

**STAFF RECOMMENDATION:** APPROVAL.

CP/TT/ar  
Attachments

cc: P17RZ00007 File

ORDINANCE 2018-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 64.8 ACRES OF PROPERTY (A PORTION OF PARCEL CODE 215-50-001H) FROM THE GR-1(BZ & GZ-1) (RURAL RESIDENTIAL - BUFFER OVERLAY AND GATEWAY OVERLAY-URBAN) TO THE TR (BZ & GZ-1) (TRANSITIONAL - BUFFER OVERLAY AND GATEWAY OVERLAY-URBAN) ZONE, IN CASE P17RZ00007 STEWART TITLE & TRUST TR 1580 – S. KINNEY ROAD REZONING, LOCATED ON THE EAST SIDE OF S. KINNEY ROAD APPROXIMATELY 1000 FEET NORTH OF THE INTERSECTION OF S. KINNEY ROAD AND W. AJO HIGHWAY, AND AMENDING PIMA COUNTY ZONING MAP NOS. 17 AND 38.

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

Section 1. The 64.8 acres located on the east side of S. Kinney Road approximately 1000 feet north of the intersection of S. Kinney Road and W. Ajo Highway and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 17 and 38, is rezoned from the GR-1(BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Transitional - Buffer Overlay and Gateway Overlay-Urban) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. A Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
  - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all their requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
  - C. The rezoning shall be limited to three access points. One access point will be located on Kinney Road, as shown on the preliminary development plan (Exhibit B), and two onto Ajo Highway. Access onto Ajo Highway shall be at the locations shown on the preliminary development plan and at the signalized intersection of Camino de Oeste and Ajo Highway.
  - D. The owner shall dedicate 45 feet of right-of-way for Camino de Oeste north of Ajo Highway. The right-of-way should extend north of the intersection to the entry point of the subdivision.
3. Regional Flood Control District conditions:
  - A. Trails within washes must provide for safe pedestrian access.

- B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation Department conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
- B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle

<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources Division condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
10. No access shall be given between the subject property and the property to the north (parcel code 212-200-130) without written approval of both parties.

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than May 15, 2023.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

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

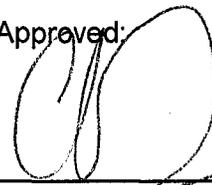
ATTEST:

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

Approved As To Form:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

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

# EXHIBIT A

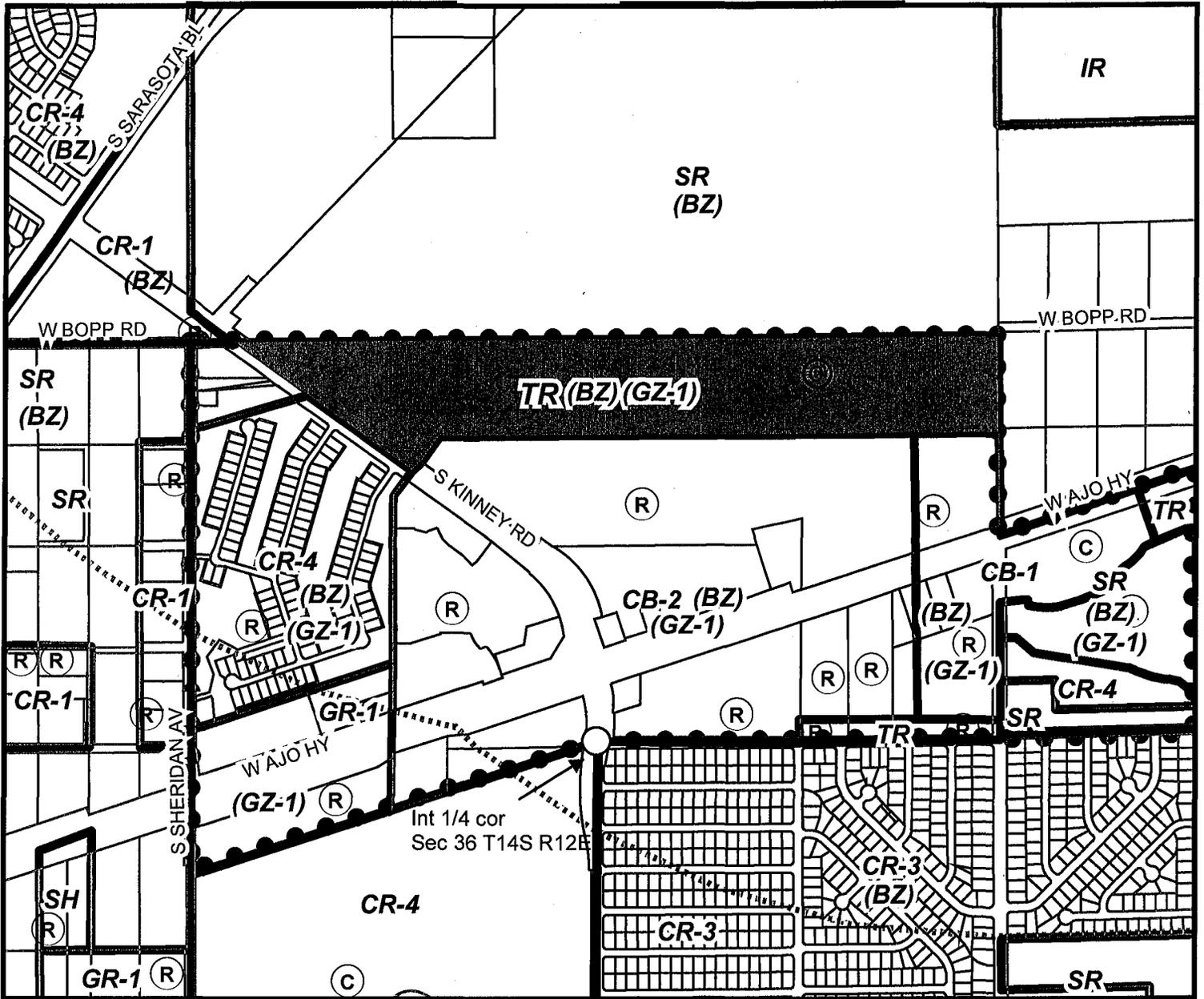
AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 17 & 38 TUCSON AZ.  
PORTION OF PARCEL 01H BEING A PART OF THE N 1/2 OF SEC 36 T14S R12E.



0 250 500 1,000 Feet  
[Scale bar showing increments of 250 feet]

ADOPTED:

EFFECTIVE:

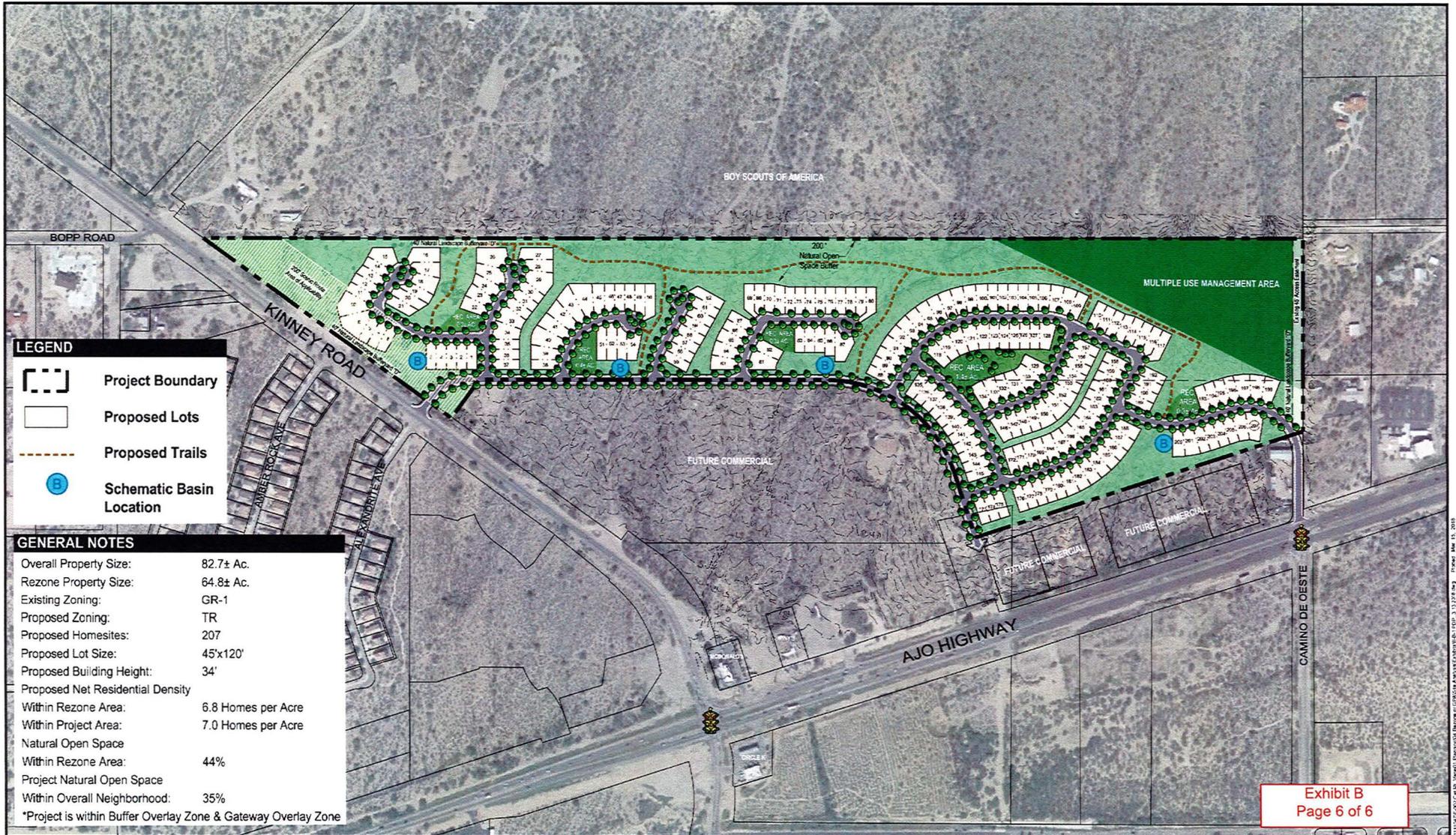


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

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





**Exhibit II-B-1  
Preliminary Development Plan**