



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/21/2024

\*= Mandatory, information must be provided

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

**\*Title:**

P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – N. THORNYDALE ROAD REZONING

**\*Introduction/Background:**

The Board of Supervisors approved a modification of rezoning conditions #1A and #2 to allow a 64-lot residential subdivision and to amend the preliminary development plan for the proposed mix of uses subject to modified standard and special conditions on January 9, 2024.

**\*Discussion:**

The rezoning conditions contained in Rezoning Ordinance 2016-26, may be modified by resolution

**\*Conclusion:**

The resolution reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

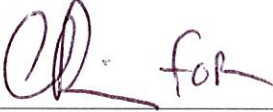
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Department: Development Services - Planning


Telephone: 520-724-6675

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature:  Date: 5-1-24

Deputy County Administrator Signature:  Date: 5/3/2024

County Administrator Signature:  Date: 5-3-24



Subject: P15RZ00005

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**MAY 21, 2024 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director   
Public Works-Development Services Department-Planning Division  
**DATE:** April 30, 2024

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**RESOLUTION FOR ADOPTION**

**P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – N. THORNYDALE ROAD  
REZONING**  
Owner: Fidelity National Title Agency Inc, Tr 60466, et al.  
(District 1)

**If approved, adopt RESOLUTION NO. 2024 - \_\_\_\_\_**

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**OWNER:** Fidelity National Title Agency Inc, Tr 60466, et al.  
8505 N. Thornydale Road, Ste. 120  
Tucson, AZ 85742

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

**DISTRICT:** 1

**STAFF CONTACT:** Donna Spicola, Senior Planner

**STAFF RECOMMENDATION:** APPROVAL

TD/DS  
Attachments

c: Projects International, Inc, Attn: Jim Portner, Principal

RESOLUTION 2024-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – N. THORNYDALE ROAD REZONING; LOCATED AT THE NORTHWEST CORNER OF N. THORNYDALE ROAD AND W. CORTARO FARMS ROAD, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FOURTH IN SECTION 3 OF ORDINANCE NO. 2016-26.

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

1. On January 19, 2016, in rezoning case P15RZ00005, the Pima County Board of Supervisors approved the rezoning of approximately 55 acres located on the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road, as shown on Exhibit A, approximately 8.19 acres from the SR (Suburban Ranch) to the CB-1 (Local Business) zone and approximately 46.7 acres from the SR (Suburban Ranch) to the SR® (Suburban Ranch - Restricted) zone subject to standard and special conditions.
2. On April 19, 2016, the Pima County Board of Supervisors adopted rezoning Ordinance 2016-26, recorded in Sequence No. 20161130600, rezoning the approximate 55 acres described in rezoning case P15RZ00005 and memorializing the standard and special conditions.
3. In January 2021, an administrative approval was granted to change the concept from all commercial/retail on the original PDP for Block 1, to allow a mix of residential and commercial retail uses retaining three retail pads with the remainder of the parcel allowing sixty-four rental homes. A development concept permit (P21DC00001) was issued for the Hillcrest Development for Units 1-64 and Blocks 1-3 for the commercial lots.
4. The owner applied for a modification (substantial change) of rezoning condition #1A requiring submittal of a development plan if determined necessary by the appropriate County agencies and condition #2 requiring adherence to the preliminary development plan as approved at public hearing as set forth in Section 2 of Ordinance 2016-26. This modification pertains to the 8.19-acres zoned CB-1® (Local Business - Restricted).
5. On January 9, 2024, the Pima County Board of Supervisors approved a modification (substantial change) of rezoning conditions #1A and #2 subject to modified standard and special conditions.
6. Section 4 of Ordinance No. 2016-26 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2016-26, are restated and modified as follows:

1. ~~The owner shall:~~
  - A. Submittal of a development plan or subdivision plat if determined necessary by the appropriate County agencies.
  - ~~B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
  - ~~C. Provision of development related assurances as required by the appropriate agencies.~~
  - ~~D. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
  - B. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing.
3. Transportation conditions:
  - A. The property is limited to 3 access points as depicted on the preliminary development plan.
  - ~~B. The property owner / developer shall dedicate 45 feet of right-of-way for Cortaro Farms Road within six (6) months of Board of Supervisors approval.~~
  - ~~C. The property owner / developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.~~
  - ~~D. No building permit final inspections shall be approved or certificates of occupancy issued prior to completion of construction of the Thornydale Road and Cortaro Farms Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.~~
  - B. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with any subdivision plat or development plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner(s).
4. Flood Control conditions:
  - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. Post development floodplain and Pima County Regulated Riparian Habitat shall be contained in permanently protected on-site Natural Open Space identified for the rezoning site under Maeveen Marie Behan Conservation Lands System conservation guidelines and shall be identified on the development plan.
  - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of
  - D. Maintenance responsibility for the drainage infrastructure including the detention basins

shall be determined prior to recordation of the replat of the proposed residential development for the commercial and residential portion of this project.

5. Wastewater Reclamation conditions:
  - A. The owner(s) / ~~developer~~ shall ~~not~~ construe no any action by Pima County as a commitment of capacity to serve any new development ~~to provide sewer service to any new development~~ within the rezoning area until Pima County executes an agreement with the owner(s) / ~~developer~~ to that effect.
  - B. The owner(s) / ~~developer~~ shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating 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) / ~~developer~~ shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner(s) / ~~developer~~ shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner(s) / ~~developer~~ shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner(s) / ~~developer~~ shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner(s) / ~~developer~~ shall complete the construction of all necessary public and / or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is ~~will be~~ permanently committed for any new development within the rezoning area.
6. Environmental Planning conditions:
  - A. The property owner(s) / ~~developer~~ shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 46 acres on-site as Natural Open Space (NOS). Prior to the approval of the Development Plan, the 46-acre on-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
  - B. Upon the effective date of the Ordinance, the owner(s) / ~~developer(s)~~ shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may

enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

Invasive Non-Native Plant Species Subject to Control:

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

- C. The property owner(s)/developer shall provide safeguards for the natural open space parcel as follows:
- 1) Light standards shall be located and fixtures shall be oriented so as to allow no light scatter onto the adjacent open space parcel.
  - 2) The western and northwestern boundary of the commercial development shall be buffered from the on-site natural open space. Buffering will employ techniques and materials suitable for mitigating noise and discouraging wildlife access to the commercial development; suitable buffering techniques and materials may include, but are not limited to, structures, natural materials, wildlife-exclusionary fencing, or vegetative screening. Suitable buffering techniques and materials will be authorized by the Planning Official in consultation with the Office of Sustainability and Conservation prior to approval of the development plan.
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by

the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

8. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act Prop 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
9. 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.

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

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED:

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

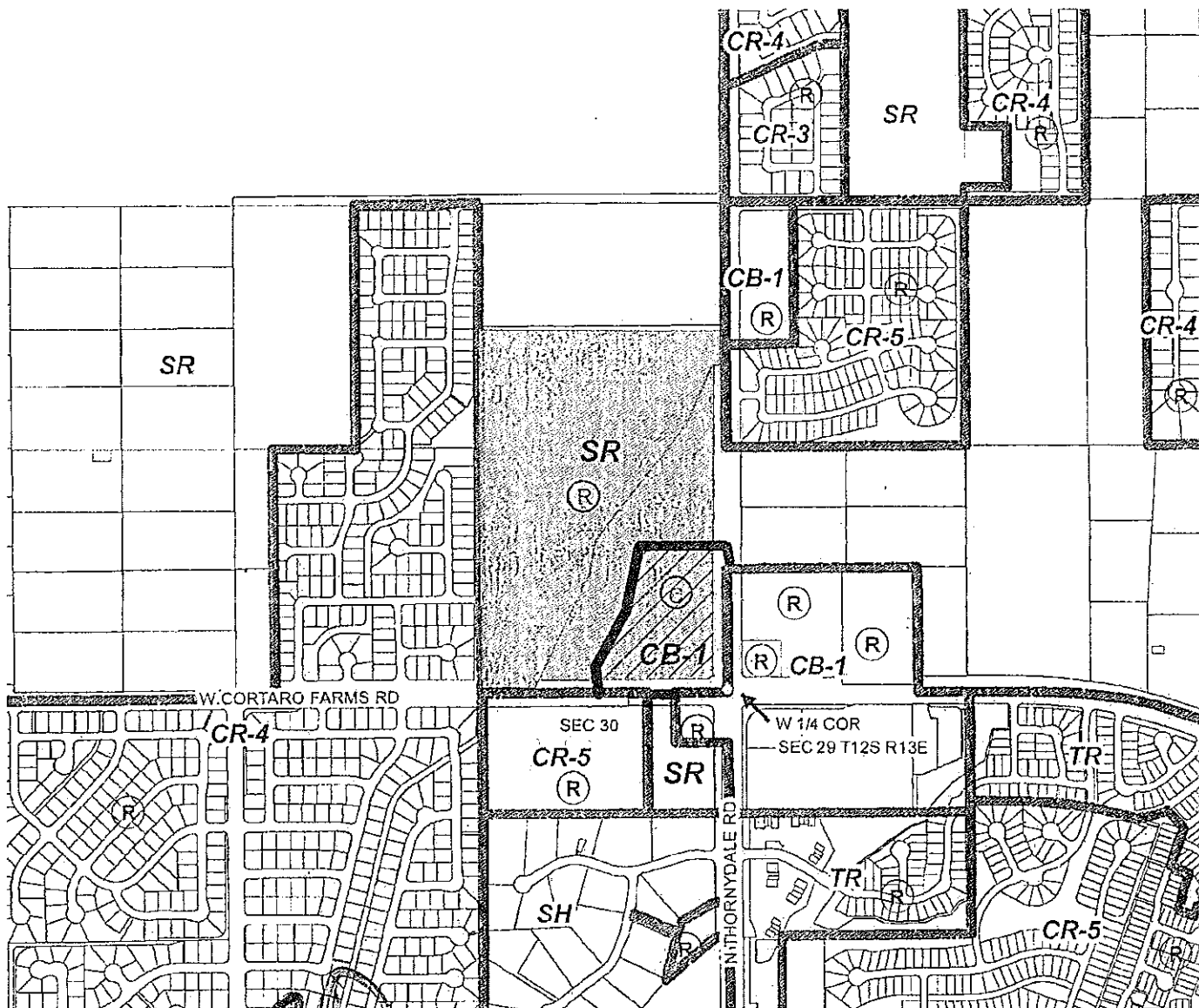
# EXHIBIT A

AMENDMENT NO. 87 BY ORDINANCE NO. 2016-026  
TO PIMA COUNTY ZONING MAP NO. 114 TUCSON AZ.  
PARCELS 32A & 33D BEING A PART OF THE SE 1/4 OF THE NE 1/4  
OF SEC. 30 T12S R13E.



0 205 410 820 Feet  
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ADOPTED: April 19, 2016 EFFECTIVE: April 19, 2016



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

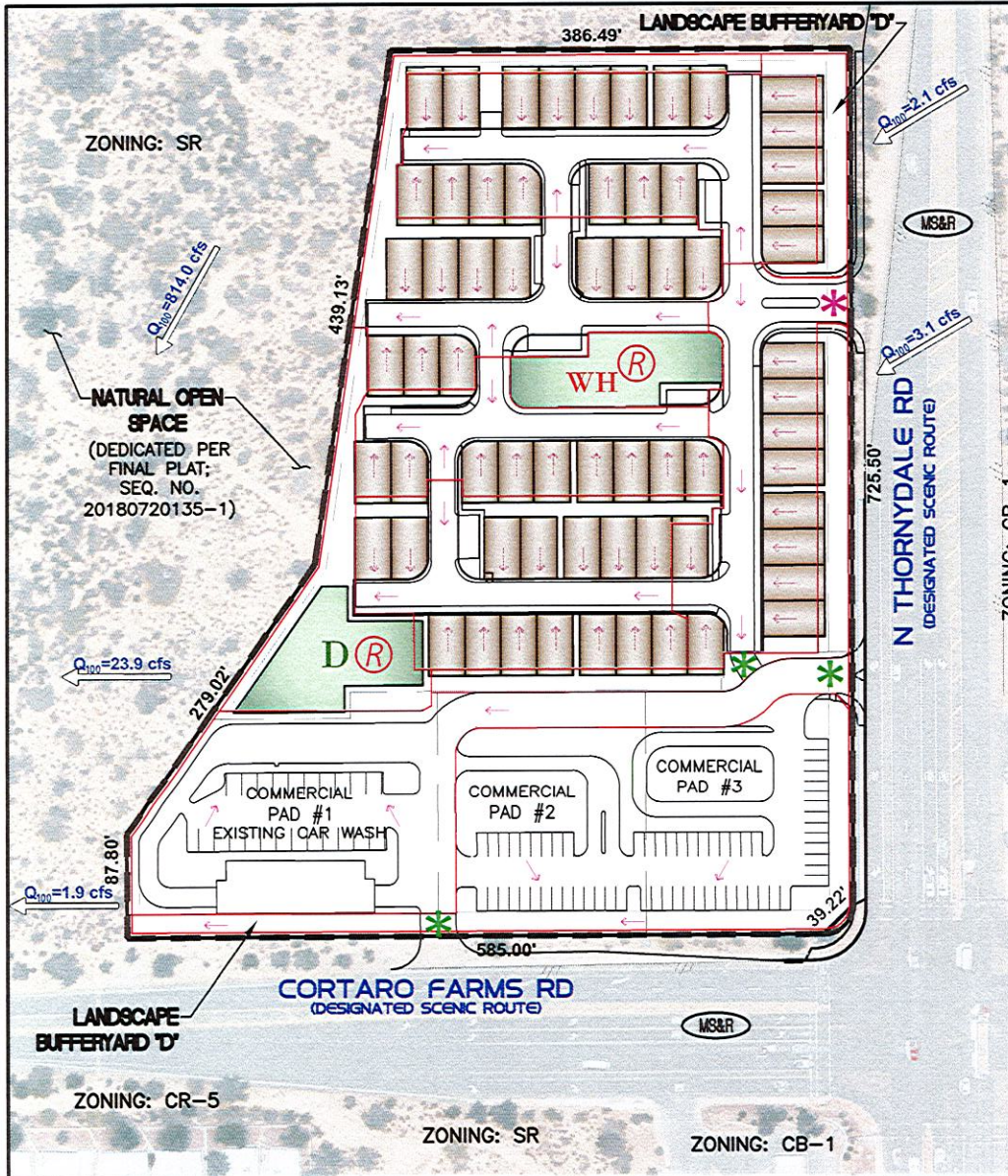
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 55.0 ac ±  
ds-February 17, 2016



P15RZ00005  
Co7-00-20  
225-33-032A & 225-33-033D



EXHIBIT B



**LEGEND**

- SINGLE FAMILY HOME LOT (UNDER CONSTRUCTION)
- WATER HARVESTING AREA
- PROPOSED DETENTION BASIN
- DESIGNATED AS A MAJOR STREET AND SCENIC ROUTES
- PDP REZONING BOUNDARY
- PROJECT MAIN ENTRY
- SECONDARY ACCESS
- PRIVATE RECREATION AREAS
- SURFACE FLOW DIRECTION\*
- POST-DEVELOPMENT FLOW RATES\*
- POST-DEVELOPMENT WATERSHED BOUNDARIES\*
- 725.50' BOUNDARY DIMENSION, TYP.

\* PER HILLCREST DRAINAGE REPORT (P21DC00001) PREPARED BY EPS GROUP, APPROVED 08/13/2021

0' 100' 200'  
SCALE 1"=100'

**GENERAL NOTES**

**PROJECT PARTICULARS**

AREA OF REZONING MODIFICATION: 8.19 AC  
 EXISTING ZONING (TO REMAIN THE SAME): CB-1  
 COMPREHENSIVE PLAN DESIGNATION: NAC

**PROPOSED USES**

THE PROJECT IS COMPRISED OF TWO PRIMARY USES: 1) A RESIDENTIAL COMMUNITY CONTAINING SIXTY-FOUR (64) HOMES; AND 2) THREE (3) COMMERCIAL/RETAIL/SERVICE PADS ALONG CORTARO FARMS ROAD.

THE HOMES ARE ALREADY UNDER CONSTRUCTION PER APPROVED SITE CONSTRUCTION PERMIT (SCP) PLAN NOS. P21SC00068 AND P21DC00001. THESE HOMES WILL INITIALLY BE OFFERED AS RENTAL DWELLINGS. A FORMAL SUBDIVISION PLAT WILL BE PREPARED TO CREATE INDIVIDUAL LOTS FOR EACH HOME, SUCH THAT THEY MAY EVENTUALLY BE OFFERED FOR SALE TO INDIVIDUAL HOME BUYERS.

THE THREE (3) COMMERCIAL PADS WILL PROVIDE FOR NEEDED GOODS AND SERVICES OF THE SURROUNDING HEIGHBORHOOD. THE WESTERNMOST OF THE THREE PADS IS ALREADY DEVELOPED AND IN OPERATION AS A MISTER CARWASH, PER APPROVED PLAN NO. P21DC00001. FINAL TENANTS/USES FOR THE REMAINING TWO PADS HAVE NOT YET BEEN DETERMINED.

**BUILDING HEIGHT**

MAXIMUM 39' PERMITTED. THE PROPOSED RESIDENCES AND ALL COMMERCIAL BUILDINGS WILL BE AT OR BELOW THIS PRESCRIBED CB-1 HEIGHT.

**PARKING/LOADING/STREETS**

ON-SITE PARKING, LOADING AND STREET/VEHICULAR CIRCULATION PROVISIONS ARE IN ACCORDANCE WITH APPROVED SITE CONSTRUCTION PERMIT (SCP) PLAN NOS. P21SC00068 AND P21DC00001.

**CONSERVATION LANDS SYSTEM (CLS)**

PROVISIONS FOR SATISFYING ALL REQUIREMENTS OF THE CONSERVATION LANDS SYSTEM WERE MADE ATTENDANT TO REZONING CASE NO. P15RZ00005, AS MEMORIALIZED VIA PIMA COUNTY ORDINANCE NO. 2016-026. TOWARD THIS END, THE ADJACENT 45.48 AC OF THE REZONING'S ORIGINAL SITE ACREAGE WAS DEDICATED TO PIMA COUNTY AS PERMANENT OPEN SPACE VIA THE FINAL PLAT FOR CORTARO THORNYDALE COMMERCIAL CENTER (SEQ. NO. 20180720135-1)

**Red Point Development, Inc.**  
 NWC CORTARO & THORNYDALE ROADS  
 (Ownership Entity: Pacific International Properties, LLP)  
 REZONING: SR to CB-1

**REVISED PRELIMINARY DEVELOPMENT PLAN**  
 REZONING # P15RZ00005  
 AUGUST, 2023