



Pima County

MEETING LOCATION
Virtual

Planning and Zoning Commission

Meeting Summary

7-27-2022

This abstract is subject to editing and amending. Please let us know promptly if you believe there are any omissions or corrections; otherwise, we will proceed on this basis.

Chris Poirier, Executive Secretary

1. ROLL CALL – 9:00 a.m.

PRESENT

- District 1* *Mark Hanna
- *Jan Truitt
- District 2* *Barbara Becker
- *Armando Membrila
- District 3* *Ryan Maese
- *Tom Tronsdal, Vice-Chair
- District 4* *William Matter
- *David Hook, Chair
- District 5* *Bob Cook
- *Bruce Gungle

ABSENT

TEN MEMBERS PRESENT
(Commissioners Becker & Membrila arrived at Item #5)

ALSO PRESENT

- *Chris Poirier, Planning Official & Executive Secretary
- *Anita McNamara, Senior Planner
- *Terrill Tillman, Principal Planner
- *Joseph Godoy, Project Manager

**Present Virtually or Telephonically*

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- A. The Commission moved to **APPROVE** the meeting summaries of June 29, 2022 and July 6, 2022.
The motion **PASSED** 8-0 (Commissioners Becker and Membrila were absent).

4. CALL TO THE PUBLIC

No one from the public spoke.

CONTINUED HEARING

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

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

Stewart Title & Trust #1580, represented by Paradigm Land Design, LLC, for 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. (District 3)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS:**

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 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.~~
 - 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(l)."
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.

The motion **PASSED** 8-2 (Commissioners Cook and Gungle voted Nay).

NEW HEARING

SPECIFIC PLAN REZONING

6. **P22SP00001 WONG FAMILY LP - N. THORNYDALE ROAD SPECIFIC PLAN REZONING**

Wong Family LP, represented by Lazarus and Silvyn, P.C., request a **specific plan rezoning** for approximately 2.35 acres (parcel code 225-02-027M) from the CB-1 (Local Business – Restricted) and the CR-5 (Multiple Residence – Restricted) zone to the SP (Specific Plan) zone located at the southeast corner of N. Thornydale Road and W. Overton Road, addressed as **9150 N. Thornydale Road**. The proposed specific plan rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center and Medium Low Intensity Urban. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS:**

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

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 (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The TIS shall incorporate in the analysis any nearby and recently approved rezoning projects and developments as determined by the Department of Transportation. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5-wide, along the property's entire western property boundary within the Cardinal Avenue right-of-way providing access to the existing Sun Tran bus stop. The location of the path or sidewalk shall be determined at time of permitting.
 - C. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least 5-wide, along the property's entire eastern property boundary within the Westover Avenue right-of-way providing access to the neighboring subdivision and Walmart Neighborhood Market. The location of the path or sidewalk shall be determined at time of permitting.
3. Regional Flood Control District conditions:
 - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
 - B. Drainage design shall not increase existing conditions water surface elevations and flow velocities at all property boundaries.
 - C. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - D. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the PDP is prohibited.
 - E. Impacts to Valencia Wash and the south offsite drainage infrastructure is prohibited.

- F. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- 4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) 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(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 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. 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. Environmental Planning condition: Upon the effective date of the Ordinance, 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.
- 6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 7. Adherence to the preliminary development plan as approved at public hearing.

8. Radon resistant construction techniques must be used and shall comply with Appendix F of the 2018 International Residential Code (IRC).
9. A Disclosure to all purchasers of any lot within the subdivision shall be made at the time of purchase that radon gas exists on the lot and exposure may cause physical harm. This condition shall also be printed on each building permit issued by Pima County.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
11. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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(l)."

The motion **PASSED** 7-3 (Commissioners Hanna, Membrila and Truitt voted NAY).

7. BOARD OF SUPERVISORS DISPOSITION OF CASES
8. ADJOURNMENT

Meeting adjourned at 11:04 a.m.

The meeting summary will be posted on the website at:
[Planning and Zoning Commission Information - Pima County](#)