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# Board of Supervisors Memorandum

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Subject: Co9-02-24

Page 1 of 1

**FOR JUNE 4, 2013 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan M. Colton, Planning Director *AMC*  
Public Works-Development Services Department-Planning Division

**DATE:** MAY 22, 2013

**REZONING RESOLUTION FOR ADOPTION**

**Co9-02-24** **FIDELITY TITLE AGENCY TRUST 10,930, ET AL. – KOLB ROAD**  
**REZONING**  
Owner: Lewis I-10/Kolb LLP  
(District 4)

**If approved, adopt RESOLUTION NO. 2013 - \_\_\_\_\_**

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**OWNER:** Lewis I-10/Kolb LLP  
Attn: R. Scott Lewis & Carolyn Anderson  
6511 E. Marta Hillgrove  
Tucson, AZ 85710-1116

**AGENT:** MJM Consulting, Inc.  
Attn: Michael Marks  
7002 E. 4<sup>th</sup> St.  
Tucson, AZ 85710

**DISTRICT:** 4

**STAFF CONTACT:** Janet Emel

CP/JE/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-02-24 File

\*\*\* HEARINGS \*\*\*

DEVELOPMENT SERVICES

7. **Rezoning Closure/Time Extension**

Co9-02-24, FIDELITY TITLE AGENCY TRUST 10,930, ET AL., - KOLB ROAD  
REZONING

- A. Proposal to close Co9-02-24, a rezoning from GR-1 (Rural Residential) to CB-2 (General Business) of 1.38 acres located at the northeast corner of Kolb Road and Interstate 10 Frontage Road. The rezoning was conditionally approved in 2003 and expired on January 14, 2013. Staff recommends **AGAINST CLOSURE**. (District 4)

Motion carried to approve staff's recommendation against closure (5/0)

- B. Request of MJM Consulting, Inc., (Michael Marks), for a five-year time extension for the above-referenced rezoning from GR-1 (Rural Residential) to CB-2 (General Business). The subject site was rezoned in 2003. A five-year time extension request was approved by the Board of Supervisors on February 19, 2008. The rezoning expired on January 14, 2013. The site is 1.38 acres located at the northeast corner of Kolb Road and Interstate 10 Frontage Road. Staff recommends **APPROVAL OF A FIVE-YEAR REZONING TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 4)

Motion carried to approve (5/0)

8. **CALL TO THE PUBLIC**

9. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.  
Pima County Homepage: [www.pima.gov](http://www.pima.gov)

DATE POSTED: 3/27/13

TIME POSTED: 5:00 p.m.

RESOLUTION 2013-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN **CASE Co9-02-24 FIDELITY TITLE AGENCY TRUST 10,930, ET AL. – KOLB ROAD REZONING**; LOCATED AT THE NORTHEAST CORNER OF KOLB ROAD AND INTERSTATE 10 FRONTAGE ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2003-38.

**WHEREAS**, on August 2, 2002, the owner(s) of approximately 6.15 acres applied for a rezoning from GR-1 (Rural Residential) to CB-2 (General Business);

**WHEREAS**, on January 14, 2003, the Pima County Board of Supervisors approved the rezoning for 1.38 acres, subject to standard and special conditions;

**WHEREAS**, on April 8, 2003 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2003-38, as recorded in Docket 12028 at Page 5327, rezoning the approximate 1.38 acres described in rezoning case Co9-02-24 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

**WHEREAS**, on December 19, 2007 the owner(s) of approximately 1.38 acres applied for a five-year rezoning time extension;

**WHEREAS**, on February 19, 2008 the Pima County Board of Supervisors approved a five-year rezoning time extension subject to modified standard special conditions;

**WHEREAS**, on December 9, 2008 the Pima County Board of Supervisors approved Resolution 2008-321;

**WHEREAS**, on January 10, 2013 the owner of approximately 1.38 acres applied for a five-year rezoning time extension;

**WHEREAS**, on April 2, 2013 the Pima County Board of Supervisors approved a five-year rezoning time extension for approximately 1.38 acres with the addition of rezoning condition# 15; and

**WHEREAS**, Ordinance No. 2003-38 allows the Board of Supervisors to amend the rezoning conditions and time limits by resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2003-38 as amended in Resolution No. 2008-321 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.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. Access will not be allowed directly on Kolb Road or the I-10 On Ramp.
  - B. Provision of all improvements on Kolb Road by the property owner(s), as determined necessary by the Department of Transportation during the plan review process.

- C. Provision of improvements by the property owner(s) to the existing cross-section of I-10 Frontage Road between Kolb Road and the east property line of Parcel A. These improvements will include vertical curbs, sidewalks and additional pavement as determined necessary by the Department of Transportation during the plan review process.
8. Flood Control conditions:
- A. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a balanced drainage basin.
  - B. The property owner(s) shall provide all necessary drainage related improvements that are needed as a result of the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Department of Environmental Quality conditions:
- A. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
  - B. As a condition of approval, the property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
10. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing (EXHIBIT B).
11. 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.
12. The property owner(s) shall execute and record 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)."

13. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

14. Under no circumstances shall the following non-native plant species be planted 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 pentandra* and *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*))

15. Environmental Planning Condition:

Upon the effective date of the second time extension associated with this rezoning, 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 current any future 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.

\* \* \*

**NOW, THEREFORE, BE IT RESOLVED**, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2003-38 as amended in Resolution No. 2008-321 as follows:

1. Conditions 1 through 44 15 shall be completed by January 14, 2013 2018.
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 Resolution until all conditions 1 through 44 15 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

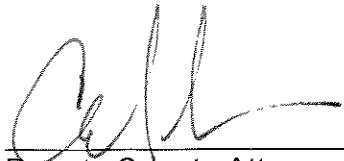
**RESOLVED** by the Board of Supervisors of Pima County, Arizona,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Chairman, Board of Supervisors

**ATTEST:**

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

**APPROVED AS TO FORM:**



Deputy County Attorney  
**ANDREW FLAGG**

**APPROVED:**

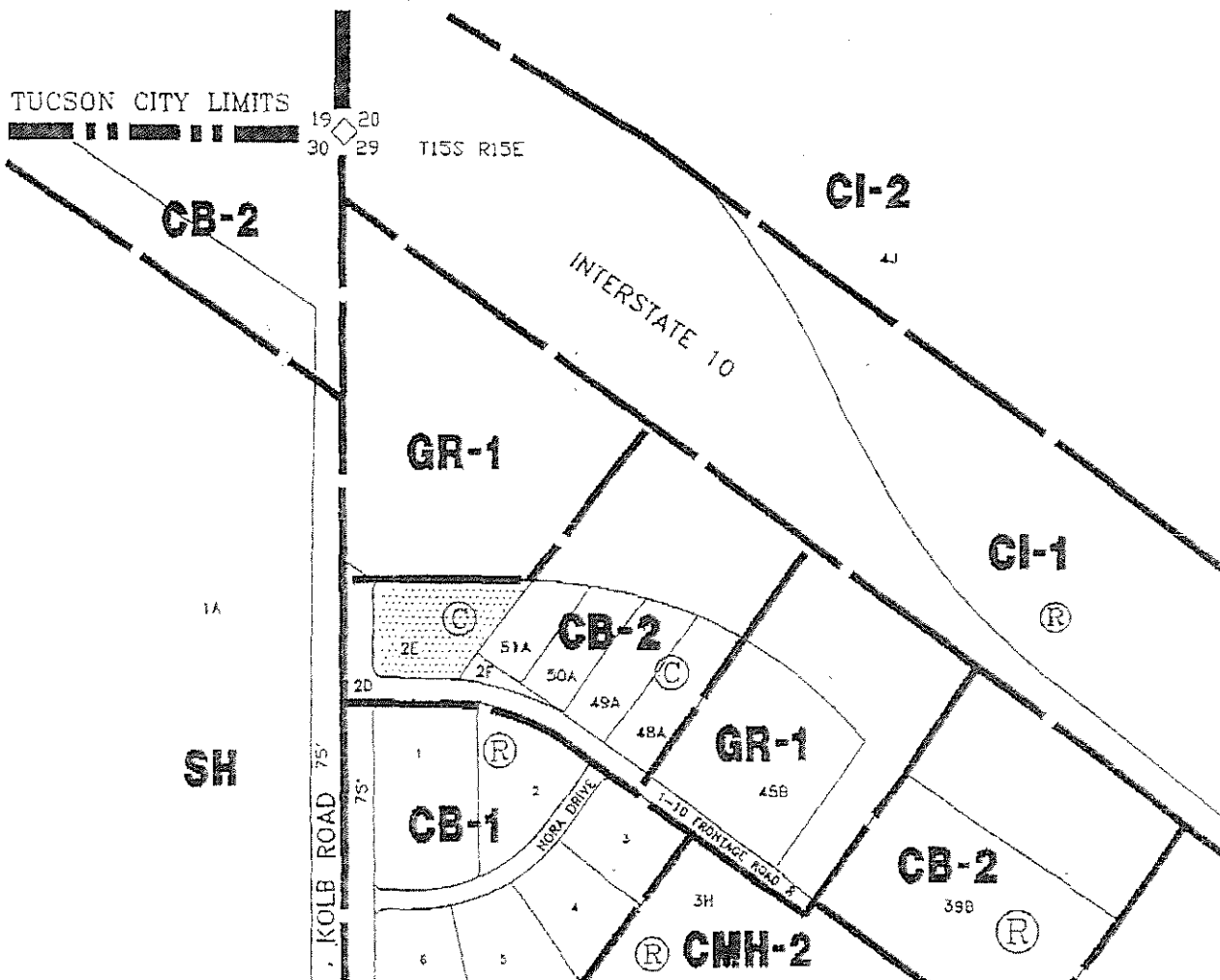
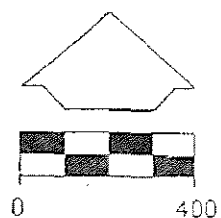


Executive Secretary  
Planning and Zoning Commission

# EXHIBIT A

AMENDMENT NO. 14 BY ORDINANCE NO. 2003-38  
 TO PIMA COUNTY ZONING MAP NO. 93 TUCSON, AZ.  
 PARCEL 2E BEING A PART OF THE W 1/2 OF THE NW 1/4 OF  
 SEC 29, T15S R15E.

ADOPTED 4-8-03 EFFECTIVE 4-8-03



*David Peterson for*  
 EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 138 ac=  
 ds-MARCH 11, 2003

CD9-02-24  
 CD7-00-20  
 141-23-002E



1-10 ON RAMP

[illegible]

## SALES OFFICE BUILDING DATA

- \* THESE ARE VEHICLE AND  
DISPLAY AND RENTAL SPACES

1. 10' BUFFERYARD 'D'
2. 15' BUFFERYARD 'D'
3. 30' MS&R BUILDING SETBACK

009-02-24

SECTION 29, T-15 S, R-15 E  
G&RSM, PIMA COUNTY, ARIZONA  
SCALE: 2"=1 MILE

I-10 & KOLB ROAD RV CENTER  
SECTION 29, T15S, R15E

**EXHIBIT No. II-B.1.b**  
**PRELIMINARY**  
**DEVELOPMENT PLAN**