

MEMORAND'UM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

TO:

Honorable Ally Miller, Supervisor, District # 1

FROM:

Arlan M. Colton, Planning Director

DATE:

June 19, 2013

SUBJECT: Co9-83-126 FAIRFIELD - SUNRISE DRIVE REZONING

The above referenced Lot Split is within your district and is scheduled for the Board of Supervisors' JULY 2, 2013 hearing.

REQUEST:

The applicant requests to split an approximately 3.68-acre parcel into

two parcels of approximately 0.30 and 3.38 acres.

OWNER:

WH Group #2, LLC

6925 E. Gate Ridge Place

Tucson, AZ 85750

AGENT:

Bruce R. Call, AECM, PLLC

Architecture, Engineering, Construction Management

4572 E. Camp Lowell Drive

Tucson, AZ 85712

DISTRICT:

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: To date, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside of Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar Attachments



Board of Supervisors Memorandum

Subject: Co9-83-126

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FOR JULY 2, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Arlan M. Colton, Planning Director

Public Works-Development Services Department-Planning Division

DATE:

June 19, 2013

UNADVERTISED ITEM FOR PUBLIC HEARING

LOT SPLIT

Co9-83-126 FAIRFIELD - SUNRISE DRIVE REZONING

Request of WH Group #2, LLC, represented by Bruce Call, for a lot split. The applicant requests to split an approximately 3.68-acre parcel into two parcels of approximately 0.30 and 3.38 acres. Rezoning condition #10 requires that there be no further subdividing or splitting without the written approval of the Board of Supervisors. The subject parcel is zoned CB-1 and is located on the southwest corner of Kolb Road and Territory Drive. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed lot split, subject to the following conditions:

1. The two parcels shall be served by the existing access to the site. Common elements of the site shall be shared. A joint use/maintenance agreement for the two lots for drainage improvements, parking areas and access lanes, bufferyards, and landscaping shall be executed and recorded. A copy of the joint use/maintenance agreement shall be provided to the Development Services Department prior to the issuance of building permits.

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2. Maximum height of buildings is limited to 30 feet and two stories.

Condition #1 establishes a shared physical access for the proposed lot which will have no direct access to either Kolb Road or Territory Drive as demonstrated on the attached development plan and Exhibit "B". The existing paved access and parking areas, drainage improvements, bufferyards and landscaping will be shared by both parcels.

Condition #2 establishes a height restriction in accordance with the Comprehensive Plan Sunrise/Kolb Rezoning Policy #9 (RP-9).

PLANNING REPORT

The subject property is Lot 5 of the Kolb Sunrise Commercial Center commonly known as Ventana Plaza. The applicant requests to split the northern corner of Kolb Road and Territory Drive into two parcels of approximately .30-acre and 3.38-acres for additional retail, restaurant, or office uses. Rezoning condition #10 states that there will be no further subdividing or lot splitting without the approval of the Board of Supervisors.

The subject property is within a larger, approximately 39-acre rezoning (Co9-84-126) from the CR-1 (Single Residence) zone to CB-1 (Local Business) zone in May, 1984. Two previous lot splits were approved by the Board of Supervisors in 1986 creating two large parcels and in 1987 creating a total of four parcels. Two time-year extensions were approved by the Board of Supervisors June 2, 1987 and June 20, 1989. Subsequent to the lot splits and time extensions, a subdivision plat and ordinance #1990-117 were approved by the Board of Supervisors for the 21.8 acre Kolb-Sunrise: Commercial Center, Lots 1-8.

Ventana Plaza was developed under an approved development plan (P1200-198) for restaurant, retail, and offices uses in conformance with the approved preliminary development plan (pdp). Per the rezoning, condition #16 requires adherence to the approved pdp. The pdp indicates an administrative allowance for an approximately 2,727 square foot expansion.

Development plans provide for coordinated development and improvements. Proposed condition #1 is intended to address the potential loss of coordination due to the lot split. The common elements of the development shall be maintained through the condition. Typically, with each new development proposal or phase, the development plan is revised. With the limited size of the proposed lot, the development plan *may not* require a revision.

The .30 acre square foot area of the proposed lot split is currently developed with 20-foot wide landscape bufferyards adjacent to Kolb Road and Territory Drive and contains an area of paved parking. Approximately 15 parking spaces are proposed to be eliminated for the erection of a building if the lot split is approved. A zoning code text amendment in 2008 reduced the number of required parking spaces required for a commercial site. Because of the new parking requirement, Ventana Plaza's overall required parking will

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decrease by approximately 70 spaces more than making up for the 15 space loss. Nonetheless, the requirement to demonstrate that there is sufficient on-site parking will be implemented at the permitting stage and may include minimal reconfiguration of the paved access and parking areas.

While staff supports this request for a lot split, staff cautions the developer that staff does not support possible variance requests (e.g. setbacks, reduced bufferyards) that may arise from the restricted development potential of this small area lot split caused by existing or proposed conditions.

PUBLIC COMMENTS

To date, no written public comments have been received.

TRANSPORTATION REPORT

Staff has reviewed the request for a Lot Split and has no objection to the lot split.

REGIONAL FLOOD CONTROL DISTRICT REPORT

Staff has reviewed the request and has the following comments:

- 1. The site does not include FEMA or local floodplains.
- 2. No Pima County Regulated Riparian Habitat is located within the site.
- 3. No drainage complaints or violations are associated with this parcel.

The PCRFCD has no objection to this request or special conditions to recommend.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT

Staff has reviewed this request and has no objections to the proposed lot split.

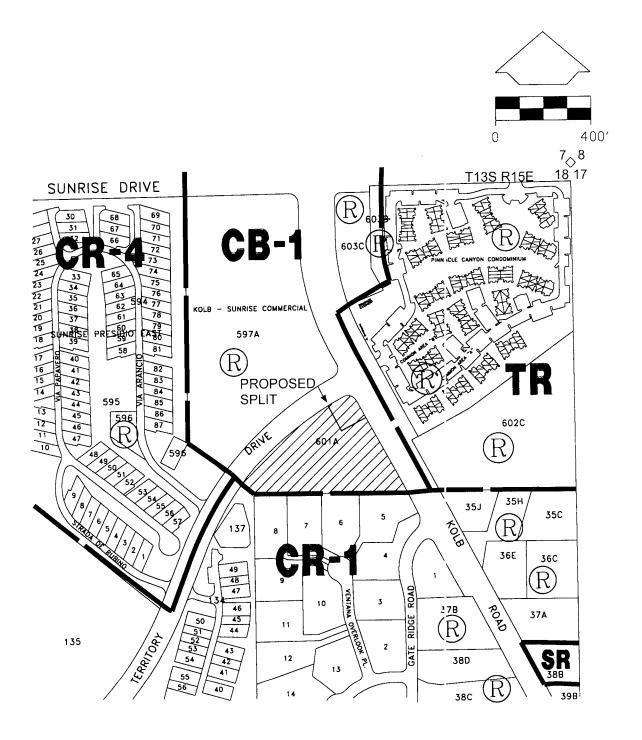
ENVIRONMENTAL QUALITY REPORT

The department has no objection to the proposed lot split provided the property is served by public or private sewer. On-site wastewater disposal shall not be allowed.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

CP/TT/ar

c: WH Group #2, LLC, 6925 E. Gate Ridge Place, Tucson, AZ 85750
 Bruce R. Call, AECM, PLLC, Architecture, Engineering, Construction Management 4572 E. Camp Lowell Drive, Tucson, AZ 85712
 Chris Poirier, Assistant Planning Director Co9-82-126 File



Notification area

Notes_LOTSPLIT

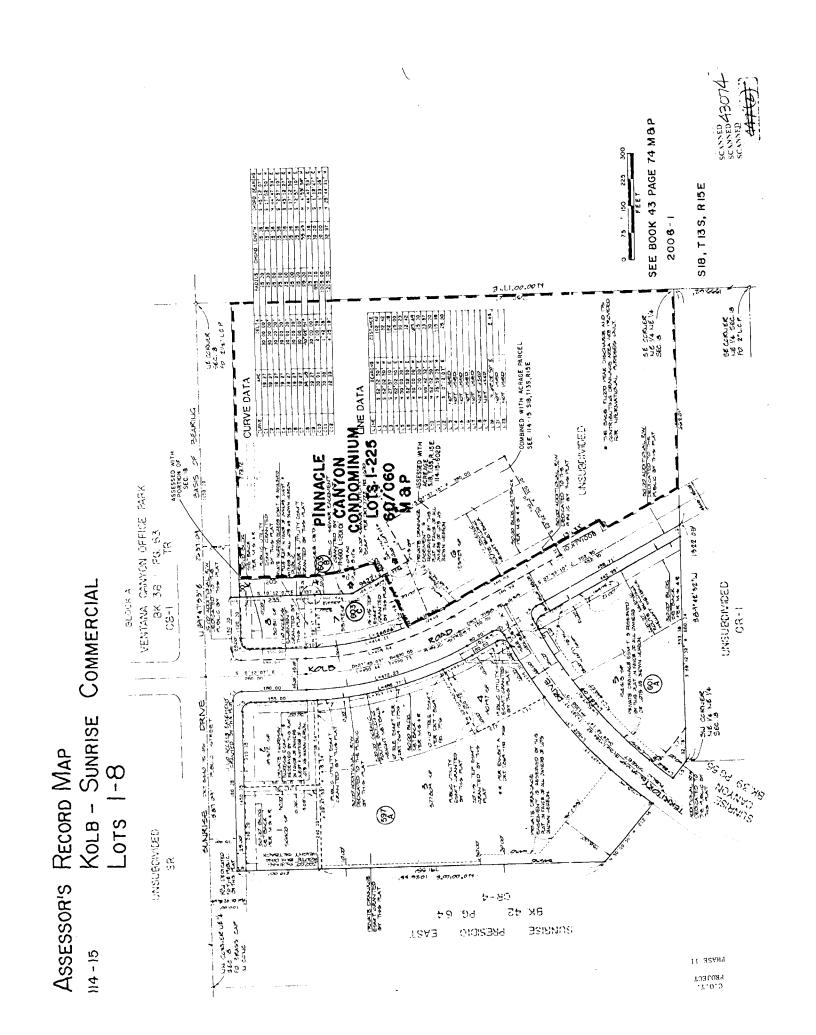
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FAIRFIELD
SUNRISE: DRIVE REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



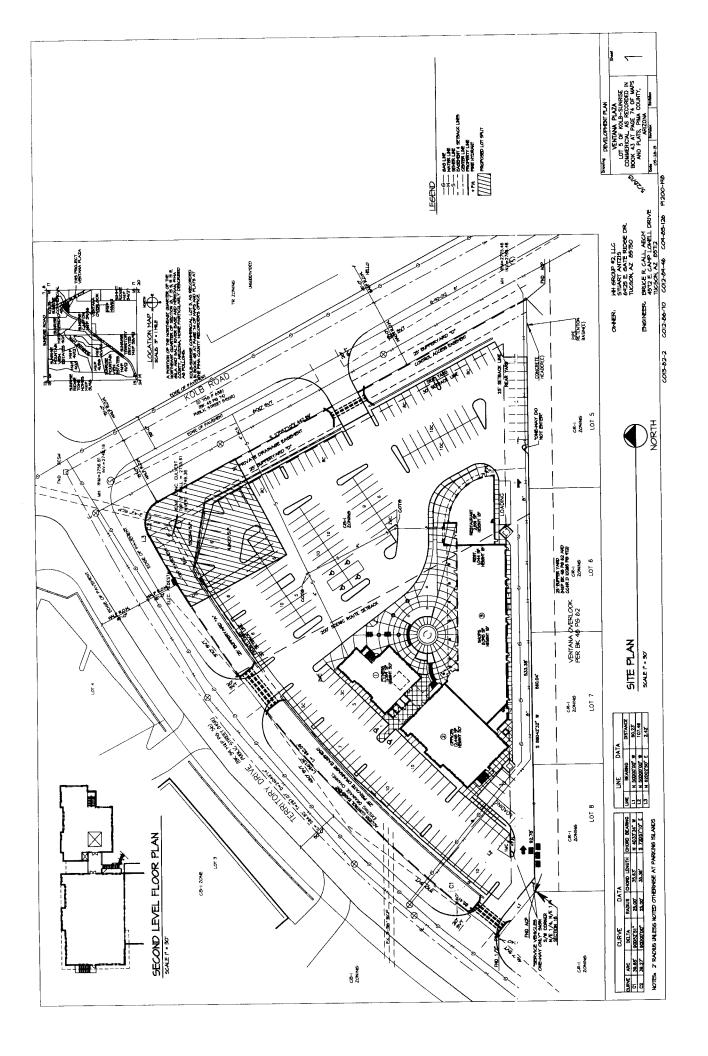


EXHIBIT A

LEGAL DESCRIPTION

Beginning at the Northeast Corner of Section 18, Township 13 South, Range 15 East, Gila and Salt River Base and Meridian, Pima County, Arizona;

THENCE South 00 deg 00' 17" West, a distance of 1333.62 feet along the East line of said Section 18 to the Southeast corner of the Northeast quarter of the Northeast quarter;

THENCE South 89 deg 42' 32" West a distance of 695.88 feet to a point on the southwesterly right-of-way line of Kolb Road as recorded in Maps and Plats, book 43 at page 74, in the Pima County Recorder's Office,;

THENCE North 27 deg 57' 10" West a distance of 349.99 feet along said southwesterly right-of-way line of Kolb Road to the TRUE POINT OF BEGINNING;

THENCE continuing North 27 deg 57' 10" West a distance of 93.00 feet along said southwesterly right-of-way line of Kolb Road to the tangent point of a curve concave to the southwest,

THENCE a distance of 39.27 feet along said curve with Radius 25.00 feet, with central angle of 90 deg 00' 00" and long chord length of 35.36 feet bearing at North 72 deg 57' 10" West;

THENCE South 62 deg 02' 50" West a distance of 2.42 feet along the southeasterly right-of-way line of Territory Drive as recorded in book 39 of Maps and Plats, at page 56, in the Pima County Recorder's Office, to the tangent point of a curve concave to the southeast;

THENCE a distance of 86.64 feet along said curve with Radius 1,305.00 feet, with central angle of 3 deg 48' 15" and long chord length of 86.63 feet bearing at South 60 deg 08' 34" West;

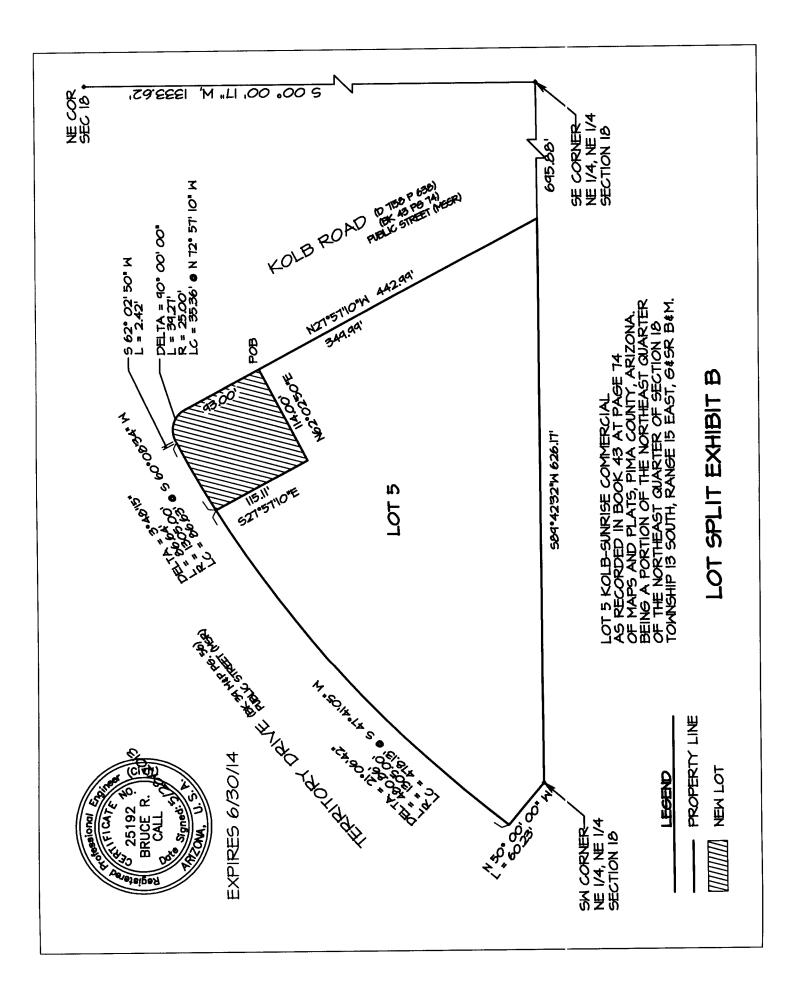
THENCE South 27 deg 57' 10" East a distance of 115.11 feet;

THENCE North 62 deg 02' 50" East a distance of 114.00 feet to the POINT OF BEGINNING.

Containing 13,234 square feet (0.304 acres) more or less.

Shown graphically in Exhibit B attached.





RP-9 Sunrise/Kolb (CF) [1-13]

General location: T13S, R15E, Section 18.

Description: Due to the large size of this property, a preliminary development plan for the entire property, consistent with the following policy requirements shall be submitted prior to the scheduling of a rezoning hearing for all or part of the property:

Policies:

- A. Commercial development shall be limited to 15 acres of CB-1 uses west of the Kolb Road alignment. No commercial development shall exceed two stories nor shall it exceed 30 feet in height.
- B. Overall maximum density on this property (excluding commercial and transitional areas) shall be 2.5 residences per acre.

WH Group #2 LLC

May 28, 2013

Chris Porier
Pima County Development Services
201 N. Stone Avenue
Tucson, Arizona 85701

Re: 5415 - 5455 N. Kolb Road

Tax ID No. 114-15-601A

Kolb Sunrise Commercial Lot 5

Dear Chris:

Thank you for your assistance in this process. This letter is to formally request approval for a lot split at the above referenced parcel in accordance with enclosed Exhibits A and B.

Existing parcel size: 160,349 square feet (3.681 acres)

Proposed new lot sizes: 13,234 square feet (0.304 acre)

147,115 square feet (3.377 acres)

Zoning Case Numbers: C013-82-2 C012-86-70 C012-89-46 C09-83-126

P1200-198

Ownership: WH Group #2 LLC (See Arizona Corporation Commission document enclosed)

Stuart or Arlene Antzis, Administrative Member 6925 E Gate Ridge Place, Tucson, AZ 85750

Phone: 520-577-1475, Cell: 520 603 8905, FAX: 520-299-5828

Justification for Lot Split:

The existing developed property, referred to as Ventana Plaza, is now an established shopping center with a history of excess parking even though the entire center is full and busy. To allow for more efficient use of the site and to provide additional retail, restaurant, or office possibilities, the lot split is proposed at the northern portion of the existing parcel. (See attached exhibits.)

The lot created will allow for additional development that will have a positive impact on the area and will respond to existing demand. We respectfully request your approval.

Sincerely,

WH Group #2, LLC

Stu Antzis
Administrative Member

F. ANN RUDRIGUEZ CECURDER RECORDED BY: GIM

DEPUTY RECORDER

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ORDINANCE 1995-17

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPE. Y (TAX CODE 114-15-034E) IN CASE CO9-83-126 FAIRFIELD - SUNRISE DRIVE REZONING LOCATED SOUTH OF SUNRISE DRIVE AND EAST OF KOLB ROAD; AMENDING PIMA COUNTY ZONING MAP NO. 49.

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

Section 1. The property described on the attached rezoning ordinance map, amends Pima County Zoning Map No. 49 and is here rezoned from CR-1 to TR.

Section 2. Rezoning Conditions.

- Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control
- Submittal of a development plan if determined necessary by the appropriate County agencies.
- Dedication of necessary right-of-ways for roads and drainage by separate instrument if the property is not to be subdivided.
- Recording of an acceptable plat which will provide for dedication of necessary right-of-way for roads and drainage if the property is to be subdivided.
- Recording a covenant holding Pima County harmless in the event of a flooding.
- Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.

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- Prior to grading or clearing of land, a grading plan will be submitted and approved by the Department of Transportation and Flood Control District for the purpose of determining the extent and effect of such grading.
- 8. Recording the necessary development related covenants as determined appropriate by the various County agencies.
- 9. Provision of development related assurances as required by the appropriate agencies.
- 10. Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
- 11. Wastewater Management Conditions:
 - A. A suitable arrangement with Pima County Wastewater Management Department regarding sanitary facilities.
 - B. A Sewer Basin Study may be required.
 - C. The outfall sewer may have to be oversized based on basin flow calculations.
 - D. Sewers within the development may have to be oversized for flow-through requirements.
 - E. Augmentation of a downstream system may be required.
 - F. Any industrial waste discharged into the public sanitary sewerage system shall meet the requirements of Pima County Ordinance No. 1982-154, as amended.
 - G. An Industrial Wastewater Discharge Permit may be required prior to the issuance of a building permit.

12. Transportation Conditions

A. Dedication of 90 foot wide full right-of-way for Wilmot Road through the subject property.

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- B. Adherence to all provisions of the Hillside Development Zone Ordinance.
- C. Design and construction of a two-lane wide, paved Wilmot Road between Kolb Road and the western boundary of the subject property to Pima County design and construction standards for major collectors. This road construction shall be completed prior to the issuance of the building permits for any portion of the subject property.
- D. Provision of an appropriate financial contribution for the future widening of Sunrise Drive to four lanes and any necessary improvements between Craycroft Road and Sabino Canyon Road in accordance with the current Pima County escrow policy.
- 13. Flood Control Conditions:
 - A. Prior to receiving building permits for construction, the petitioner must submit all required drainage reports and plans, and receive approval by the Flood Control District. In developing the reports and plans, the requirements and regulations incorporated in the following reports must be satisfied.
 - Floodplain Management Ordinance;
 - Drainage and Channel Design Standards;
 - 3. Flood Control Policies.
 - B. The petitioner must dedicate all rights-of-ways and/or grant flowage easements for drainage to Pima County, as determined necessary by the Flood Control District.
 - C. Since the property lies within the a balanced basin, the petitioner must comply with the detention/retention conditions and restrictions as stated in the Flood Plain Management Ordinance No. 1983-FC1.
 - D. Proposed rezoning and development must be in compliance with overall policies included in the Catalina Foothills Area Plan
- 14. Landscaping to consist of low water use and low pollen producing vegetation.

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- 15. No grading to occur until 30 days prior to construction.
- 16. Adherence to the overall conceptual plan and site plan as presented.
 - 17. Architecture style and lighting shall be approved by the Pima County Design Review Committee pursuant to standards in the amended CC&Rs to be recorded.
 - 18. Adherence to Catalina Foothills Area Plan policies, including signage and two-story height restrictions, unless specifically exempted below in #2.E and #22D.
 - 19. Access to Sunrise Drive is to be carefully considered.
- Lot 5 of the Kolb-Sunrise Commercial Subdivision (Bk. 43, Pg. 74) and that portion of Co9-83-126 that is not either a part of the Kolb-Sunrise Commercial Subdivision or subject to the modifications of rezoning conditions approved on September 20, 1994 are subject to the following additional rezoning conditions:
 - * A. Development plan or the tentative plat when filed per Chapter 18.69 of the Zoning Code must adhere to the preliminary development plan presented at the April 29, 1986 Planning and Zoning Commission Meeting.
 - B. Overall residential density in the condominium area limited to 135 units.
 - C. Buffers as discussed at the Planning and Zoning Commission hearing to be provided. These include the six-foot masonry wall and special enhancement of desert vegetation with drip irrigation on the east side, dense vegetative buffer on the south side and vegetative enhancement along Sunrise Drive including the buffering concept used by Cienega Corporation just east of this proposal.
 - D. The project shall contain no apartments, only owner occupied condominiums.
 - E. The developer shall preserve natural desert vegetation along the east west drainageway, east of Kolb Road.

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- F. Landscaping shall be consistent with that same development and with the buffer described in Condition #22.
- G. Bufferyard D is required under Chapter 1.8.73 of the Pima County Zoning Code for Sunrise Drive. The Design Review Authority shall be maintained under the control of Fairfield throughout the life of the project.
- H. All roofs shall be pitched roofs or not visible to any existing house within 1/4 mile of the building.
- I. Floor space in the new development shall be within 5%, higher or lower, of the original plan.
- 21. Lots 1-4 of the Kolb-Sunrise Commercial Subdivision are subject to the following additional rezoning conditions:
 - A. Commercial development shall conform to the preliminary development plan presented at the April 29, 1986 planning and Zoning Commission hearing and residential development shall generally conform to the preliminary development plan submitted to the Board of Supervisors on August 16, 1993.
 - B. The developer shall construct, prior to issuance of a certificate of occupancy for the first building to be constructed on any of the lots subject to the modified rezoning conditions, the following improvements to the right-of-way of Kolb Road from Sunrise Drive to Territory Drive:
 - Widening the existing pavement where necessary to 36 feet to accommodate two travel lanes and a continuous center left-turn lane, plus a transition south of Territory Drive; and
 - Deceleration/acceleration lanes as necessary adjacent to driveways providing access to Kolb Road to facilitate access to and from the lots subject to the modification of rezoning conditions.

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- C. The number and location of access points to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, at the time of the submittal of a development plan or subdivision plat. Future traffic medians may limit access to right-in, right-out only from the adjacent roads. Provisions shall be made for internal traffic circulation within the subject property.
- D. Residential development shall be limited to 17.2 RAC and 204 units (two-bedroom minimum) and shall be restricted from access onto Territory Drive.

 Development shall include one covered parking space for each apartment unit and internal traffic speed-control devices.
- E. Building height for commercial and residential development to be limited to two stories and 30 feet.
- F. If developed as a commercial project, the signage, curbs and median at Territory Drive shall be designed to prevent service vehicles from accessing residential areas via Territory Drive.
- G. A masonry wall of the maximum legal height shall be constructed along the western property line.
- H. Signage shall be as allowed by Chapter 18.79 (Sign Standards) of the Zoning Code.
- 22. Lot 6 of the Kolb-Sunrise Commercial Subdivision and that portion of Co9-83-126 that is subject to the modifications of rezoning conditions approved on September 20, 1994 are subject to the following additional rezoning conditions:
 - A. Development shall adhere to the Preliminary Development Plan as approved at public hearing which Development Plan limits the parcel to a maximum of 225 dwelling units.

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- B. The developer shall construct, prior to issuance of a certificate of occupancy for the first building to be constructed on any of the lots subject to the modified rezoning conditions, the following improvements to the right-of-way of Kolb Road from Sunrise Drive to Territory Drive:
 - 1) Widening the existing pavement where necessary to 36 feet to accommodate two travel lanes and a continuous center left-turn lane, plus a transition south of Territory Drive; and
 - 2) Deceleration/acceleration lanes as necessary adjacent to driveways providing access to Kolb Road to facilitate access to and from the lots subject to the modification of rezoning conditions.
- C. The number and location of access points to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, at the time of the submittal of a development plan or subdivision plat. Future traffic medians may limit access to right-in, right-out only from the adjacent roads. Provisions shall be made for internal traffic circulation within the subject property.
- D. Building height for building height contour line purposes (per Section 18.81.030 of the Pima County Zoning Code), shall be 34 feet, and building height (as defined in Section 18.03.020 of the Pima County Zoning Code), shall be 24 feet as measured from average finished grade.
- E. Dedication of any necessary rights-of-way for the completion of the required 75 foot east half of right-of-way for Kolb Road adjacent to the subject property.
- F. Provision of any slope and/or construction easements necessary for future road improvements of Kolb Road as determined necessary during the plan review process.

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G. The property owners(s) shall reach a financial contribution and/or construction agreement (development agreement) with and acceptable to Pima County Department of Transportation and Flood Control District prior to Development Plan or subdivision plat approvals. Said agreement shall address required road improvements and/or financial contributions for area roads impacted by the proposed development.

Section 3. Time limits, extensions and amendments of conditions.

- 1. Conditions 1 through 22 shall be satisfied by May 15, 1997.
- 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 conditions 1 through 22 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.

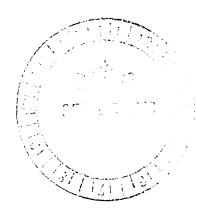
Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Co9-83-126

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Arizona, this seventh day of March	, 1995.
Paul St Marsh	MAR - 7 1945
Chairman, Board of Supervisors	Date
ATTEST:	
Jane & Williams	
Clerk, Board of Supervisors	
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Executive Secretary Planning and Zoning Commission	



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