



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 7, 2018

Title: Co9-00-63 LA CHOLLA INVESTMENTS, LLC - LA CHOLLA BOULEVARD REZONING (Resolution)

Introduction/Background:

The Board of Supervisors approved a Modification (Substantial Change) of Rezoning Conditions subject to original and modified conditions for this Rezoning on April 17, 2018.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Modification (Substantial Change) of Rezoning Conditions.

Conclusion:

The conditions contained in Rezoning Ordinance 2001-104, as amended by Resolutions 2003-69 and 2009-53, may be modified by resolution.

Recommendation:

Approval of the Resolution.

Fiscal Impact:

N/A

Board of Supervisor District:

1 2 3 4 5 All

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date:  7/18/18

Deputy County Administrator Signature/Date:  7/20/18

County Administrator Signature/Date:  7/20/18



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-00-63

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FOR AUGUST 7, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division

DATE: July 18, 2018

RESOLUTION FOR ADOPTION

Co9-00-63 **LA CHOLLA INVESTMENTS, LLC – LA CHOLLA BOULEVARD REZONING**
Owners: Tucson Federal Credit Union
(District 1)

If approved, adopt RESOLUTION NO. 2018 - _____

OWNERS: Tucson Federal Credit Union
Attn: Ellen Yacovone
1610 N. Winstel Blvd.
Tucson, AZ 85716-4023

AGENT: The Planning Center
Attn: Brian Underwood, Project Manager
2 E. Congress Street, Ste. 600
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-00-63 File

RESOLUTION 2018-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-00-63 LA CHOLLA INVESTMENTS, LLC – LA CHOLLA BOULEVARD REZONING; LOCATED ON THE SOUTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF ORDINANCE 2001-104 AS AMENDED BY RESOLUTIONS 2003-69 AND 2009-53.

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

1. On May 15, 2001, in rezoning case Co9-00-63, the Pima County Board of Supervisors approved the rezoning of approximately 3.86 acres located on the southwest corner of W. Magee Road and N. La Cholla Boulevard, as shown on Exhibit A, from TR (Transitional) to CB-1 (Local Business), subject to standard and special conditions.
2. On July 17, 2001, the Pima County Board of Supervisors adopted rezoning Ordinance 2001-104, as recorded in Docket 11597 at Page 1986, rezoning the approximate 3.86 acres described in rezoning case Co9-00-63 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a modification (substantial change) of rezoning conditions.
4. On August 6, 2002, the Pima County Board of Supervisors approved a modification (substantial change) of rezoning conditions subject to modified standard and special conditions.
5. On April 8, 2003, the Pima County Board of Supervisors adopted Resolution 2003-69, as recorded at Sequence 20030711024, memorializing the modified standard and special conditions.
6. The owner of the rezoning site applied for a three-year extension of the time limit set forth in Section 3 of Ordinance 2001-104.
7. On July 11, 2006, the Pima County Board of Supervisors approved a three-year time extension subject to modified standard and special conditions.
8. On April 7, 2009, the Pima County Board of Supervisors adopted Resolution 2009-53, recorded at Sequence 20090720937, memorializing the new rezoning time limit and modified standard and special conditions.
9. The owner of the rezoning site applied for a modification (substantial change) of rezoning conditions.
10. On April 17, 2018, the Pima County Board of Supervisors approved a modification (substantial change) of rezoning conditions subject to modified standard and special conditions.
11. Section 3 of Ordinance 2001-104 and the Pima County Code allow 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 2001-104, as amended by Resolutions 2003-69 and 2009-53, are restated and modified 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 Department of Transportation, Real Property Division.~~
6. ~~There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~

71. Transportation conditions:

- A. ~~Provision of all necessary improvements on La Cholla Boulevard and/or Magee Road. These improvements shall need the approval of Pima County and meet appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~

An updated traffic impact analysis (TIA) shall be completed and submitted with the development plan for the rezoning site. The TIA shall include assessment of the signalization at La Cholla Boulevard and Magee Road, including signalization of the right turning movement from eastbound Magee Road to southbound La Cholla Boulevard.

- B. ~~The property owner(s) shall dedicate additional right-of-way along the La Cholla Boulevard frontage of the property should the final design of the intersection of La Cholla Boulevard and Magee Road require the same.~~

The updated TIA shall include an analysis of the right turn lane on Magee Road to southbound La Cholla Boulevard. A reduction in the turn radius may be necessary to improve intersection safety.

- C. ~~The property owner(s) shall participate in Magee Road and Drainage Improvement District.~~

The right turn lane on Magee Road into the rezoning site shall be extended to the maximum feasible length to create additional storage.

- D. ~~The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.~~

A cross access easement shall be granted between the rezoning site and the commercial development to the south.

- E. Only one point of access will be allowed onto La Cholla Boulevard and onto Magee Road at the existing locations shown on the revised preliminary development plan.

82. Flood Control conditions:

- A. Drainage will not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.
- C. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to Pima County Flood Control District, as determined necessary during the development plan review. Any such easements mandated by this rezoning condition shall only be those needed to address the drainage conditions at the time of development plan review. Any required drainage easements on the subject property attendant to the proposed culvert improvements associated with the La Cholla Boulevard/Magee Road improvement project shall be subject to separate negotiations and public acquisitions at the time that Pima County's proposed roadway construction plans have been completed.

93. Wastewater Management conditions:

~~The property owner must 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.~~

- 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(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. 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.
404. Prior to ground modifications activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
415. Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing. Automotive-related uses, except for automotive fueling bays in association with a convenience store, and drive-through restaurants are prohibited.
426. Depressed diamond shaped planters or raised landscape planters shall be placed every three parking stalls and shall contain one canopy tree. Raised planters shall be used to define a hierarchy of circulation and be placed at the ends of parking area access lanes.
137. ~~The following exotic and invasive plant species shall be prohibited anywhere on the property:~~
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*))

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.

8. 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.

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.

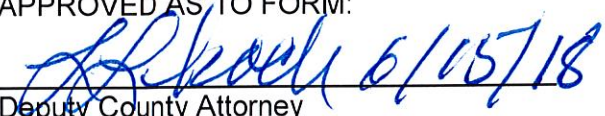
Passed and adopted, this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

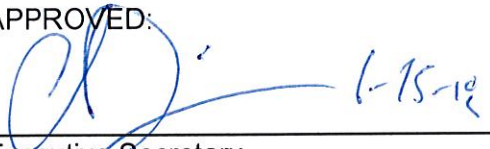
Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

APPROVED:



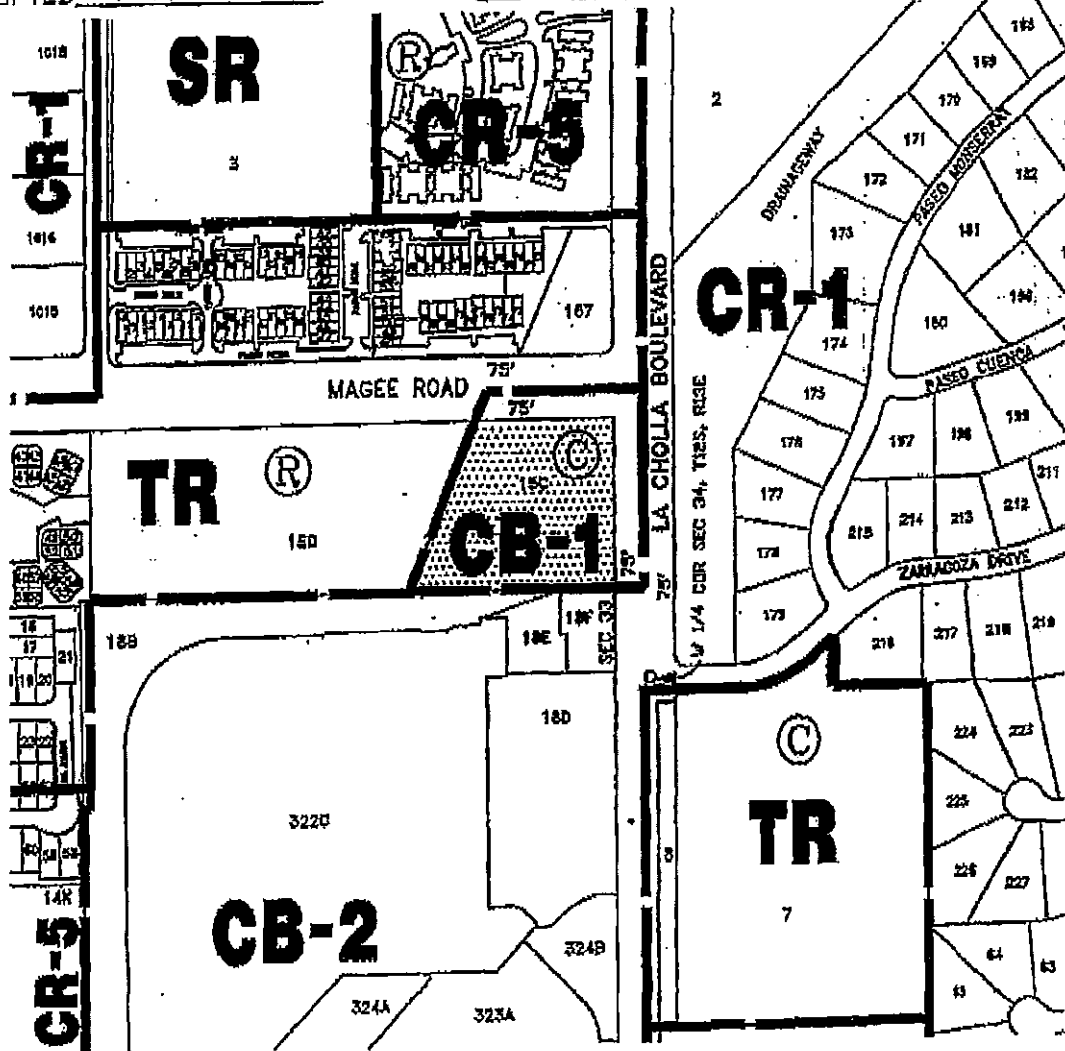
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 71 BY ORDINANCE NO. 2001-104
 TO PIMA COUNTY ZONING MAP NO. 115 TUCSON, AZ.
 PARCEL 15C BEING A PART OF THE SE 1/4 OF THE NE 1/4
 OF SECTION 33, T12S, R13E



ADOPTED 7-17-01 EFFECTIVE 7-17-01



J. Mezzano
 EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM TR 3.86 ac±
 ds-JUNE 26, 2001

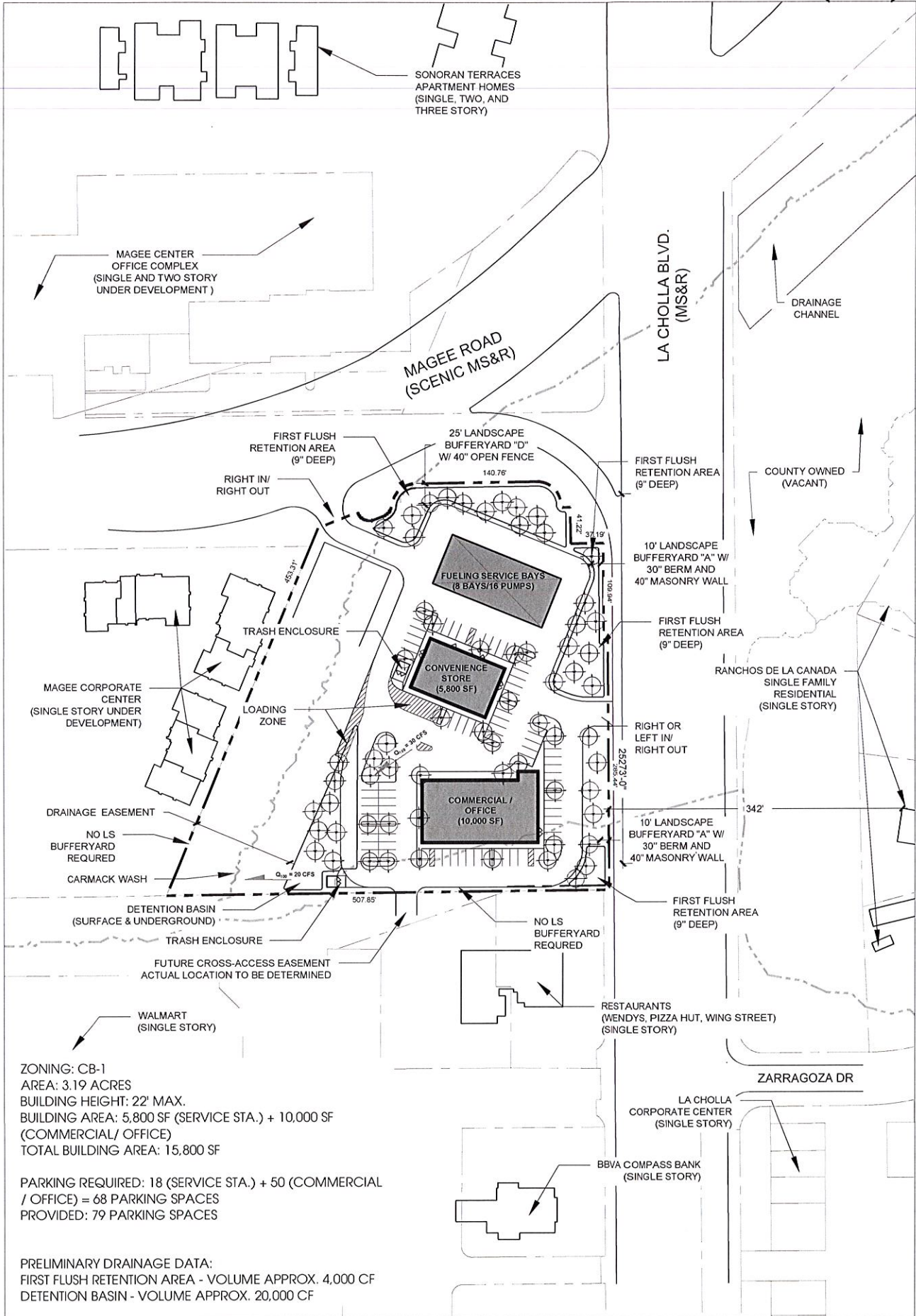
C09-00-63
 C07-96-05
 225-43-015C

APPROVED

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EXHIBIT B

REVISED PRELIMINARY DEVELOPMENT PLAN (PDP)



MAGEE CORPORATE CENTER (SINGLE STORY UNDER DEVELOPMENT)

ZONING: CB-1
 AREA: 3.19 ACRES
 BUILDING HEIGHT: 22' MAX.
 BUILDING AREA: 5,800 SF (SERVICE STA.) + 10,000 SF (COMMERCIAL/ OFFICE)
 TOTAL BUILDING AREA: 15,800 SF

PARKING REQUIRED: 18 (SERVICE STA.) + 50 (COMMERCIAL / OFFICE) = 68 PARKING SPACES
 PROVIDED: 79 PARKING SPACES

PRELIMINARY DRAINAGE DATA:
 FIRST FLUSH RETENTION AREA - VOLUME APPROX. 4,000 CF
 DETENTION BASIN - VOLUME APPROX. 20,000 CF

*C-9-00-63 Revised Preliminary Development Plan
 Approved at 4-17-18 BOS Hearing. D.P.*