



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: January 16, 2018

**Title:** Co9-02-24 FIDELITY TITLE AGENCY TRUST 10,930 - KOLB ROAD REZONING (Time Extension)

**Introduction/Background:**

Applicant requests a five-year time extension of the rezoning from GR-1 (Rural Residential) to CB-2 (General Business) which was approved by the Board of Supervisors on January 14, 2003 and expired on January 14, 2018.

**Discussion:**

The applicant indicates that market conditions have delayed completion of rezoning conditions. This is the third five-year time extension request and will result in a total of 20 years if approved. The proposed Recreational Vehicle (RV) sales and display use on the 1.38-acre site continues to be suitable given its proximity to the Voyager RV Resort and Interstate 10. Little change has occurred in the immediate area except for development of a self-storage facility to the east. Concurrency of infrastructure exists to service the site development. CB-2 remains compliant with the Multifunctional Corridor Plan (MFC) designation. Closure of the rezoning would cause reversion to GR-1 which would not be in compliance with MFC. The site is not within the MMB Conservation Lands System. Staff recommends modification of a number of rezoning conditions to reflect current policies and protocols. This includes requirements to connect to the public sewerage system, to conserve water, and to record an avigation easement. The condition for survey for the western burrowing owl is recommended for deletion.

**Conclusion:**

A time extension is warranted because the proposed RV sales use remains suitable at this location. Concurrency of infrastructure exists. The rezoning remains compliant with the comprehensive plan. Reversion to GR-1 zoning with typical low-density residential use would not conform to the MFC planned land use designation. The recommended modified list of rezoning conditions is a significant update, but not a substantial change requiring review by the Planning and Zoning Commission.

**Recommendation:**

Staff recommends approval of a five-year rezoning time extension subject to conditions as modified.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

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

Contact: David Petersen Telephone: 724-9000

Department Director Signature/Date:  12/22/17

Deputy County Administrator Signature/Date:  12/27/17

County Administrator Signature/Date:  12/27/17



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Steve Christy, Supervisor, District 4  
**FROM:** Chris Poirier, Planning Official *Tom Drargawski*  
Public Works-Development Services Department-Planning Division  
**DATE:** December 22, 2017  
**SUBJECT:** Co9-02-24 FIDELITY TITLE AGENCY TRUST 10,930, ET AL. – KOLB ROAD REZONING

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 16, 2018** hearing.

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**REQUEST:** A five-year **time extension** for a rezoning of 1.38 acres from GR-1 (Rural Residential) to CB-2 (General Business).

**OWNERS:** 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 85710-1116

**DISTRICT:** 4

**STAFF CONTACT:** David Petersen

**PUBLIC COMMENT TO DATE:** As of December 22, 2017, staff has received no written public comments.

**STAFF RECOMMENDATION:** APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The site lies outside of the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DP/ar  
Attachments



PIMA COUNTY  
DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

Subject: Co9-02-24

Page 1 of 8

**FOR TUESDAY, JANUARY 16, 2018 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: December 22, 2017

**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING TIME EXTENSION**

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

Request of Lewis I-10/Kolb, LLP, represented by MJM Consulting, Inc., 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 conditionally rezoned in 2003. The rezoning expires on January 14, 2018. The site is approximately 1.38 acres located on the northeast corner of Kolb Road and Interstate 10 Frontage Road, south of Interstate 10. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED CONDITIONS.**  
(District 4)

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of a five-year rezoning time extension to January 14, 2023 as per the applicant's request for the original 1.38-acre rezoning from GR-1 (Rural Residential) to CB-2 (General Business), subject to the original and modified standard and special conditions 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.~~
71. 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.
82. 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.
  - D. At the time of development the owner(s) shall commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
93. 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.
404. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing (EXHIBIT B).
445. 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.

- ~~126.~~ 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 sed 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*))
- ~~157.~~ 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.~~
8. Wastewater Management 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. 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.
9. Prior to approval of a development plan or site plan, the owner shall record an Avigation Easement and Disclosure Statement approved by the Tucson Airport Authority (TAA). A copy of the executed Avigation Easement(s) shall be provided to TAA.

Condition #'s 1 – 6 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan is required per code for commercial site development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends conditions which require recorded covenants. Pertaining to condition #4, assurances are typically associated with approved subdivision plats. Pertaining to condition #6, approval of further lot splitting is no longer recommended by staff for non-residential development proposals.

Renumbered condition #6 pertaining to the standard Proposition 207 disclaimer is recommended for modification to delete the recording requirement as staff no longer recommends requirement of recording conditions and to update to current standard language. (All conditions are recorded in an initial rezoning ordinance and any subsequent resolutions.)

New condition #2D pertaining to water conservation achievement is recommended consistent with current rezoning site analysis requirements that were not in place at the time of the original site analysis for the rezoning.

Existing condition #9A is recommended for deletion as it pertains to use of on-site septic system disposal which now will not be allowed for the site due to sewer availability. The condition otherwise conflicts with condition #9B (renumbered to condition #3) which requires connection to the public sewer system. Condition #9B was approved for the site as part of the first time extension approval in 2008. The site qualified for use of septic system disposal when the property was initially rezoned in 2003.

Condition #'s 13 and 14 pertaining to survey requirement for the western burrowing owl and prohibition of planting of invasive species respectively are recommended for deletion to reflect current protocols for these matters. Staff no longer recommends prohibition of the exotic plant species listed, other than removal of invasive buffelgrass, for sites outside of the MMB Conservation Lands System. The on-going removal of buffelgrass is required per renumbered condition #7. That condition is recommended for modification to clarify that it is effective as of the date of the *second* time extension when the condition was approved by the Board of Supervisors.

New condition #'s 8A-F, pertaining to requirements for use of the public sewer system, are recommended as current standard rezoning conditions.

New condition #9, pertaining to recordation of an avigation easement relative to the proximity of Tucson International Airport is recommended per comments provided by Tucson Airport Authority.

**STAFF REPORT:**

Staff recommends approval of the requested five-year time extension. This is the third time extension request for the site. A five-year time extension will result in an accumulated 20-year time allowance to complete rezoning conditions. This is a long period, but the CB-2 (General Business) zone remains appropriate for the site and is compatible with the surrounding area. The proposed use of the site for Recreational Vehicle (RV) sales and display continues to be suitable given the parcel's proximity to the Voyager RV Resort and Interstate 10. The applicant states, "The market conditions are not yet ripe for the development of this parcel, but there is still confidence that that the conditions will be right soon." Little change has occurred in the immediate area except for the self-storage facility to the east which was developed since the rezoning was approved. Concurrency of infrastructure exists to service the site development.

The CB-2 rezoning remains compliant with the Comprehensive Plan's Multi-functional Corridor (MFC) designation for the area. The purpose of MFC is to designate areas for the integrated development of complementary uses along major transportation corridors. The objective is for these areas to contain commercial and other non-residential use services and medium to high-density residential clusters in a linear configuration along major transportation corridors. There are no special area policies or rezoning policies for this site. However, the site is within the Pima County Comprehensive Plan's Tucson International Airport/Interstate-10 Economic Development Corridor which is a policy-defined area located generally between Tucson International Airport and Davis-Monthan Air Force Base, centered along the Interstate 10 corridor. Support for small and local businesses is one of the strategies to enact a policy which promotes a mix of compatible land uses

along economic development corridors with the goal of building new opportunities for job growth, housing, commerce, and services along strategically planned economic corridors. If the rezoning case were to be closed, the reversion to GR-1 (Rural Residential) zoning for the site would not be in compliance with the Comprehensive Plan's MFC designation.

The subject site is located at the northeast corner of Kolb Road and I-10 Frontage Road, south of Interstate 10. The rezoning was approved by the Board of Supervisors on January 14, 2003. The rezoning was conditionally approved for a recreational vehicle sales center with parking spaces for RV vehicle display. The first time extension was approved by the Board of Supervisors on February 19, 2008.

**SURROUNDING LAND USES/GENERAL CHARACTER:**

North: GR-1 Undeveloped/Interstate 10  
 South: CB-1 I-10 Frontage Road/Undeveloped  
 East: CB-2 Self-storage and RV and Boat Storage  
 West: SH Kolb Road/Undeveloped/Transfer Density Rights Receiving Area (TDR-RA)  
 State Land

| <b>CONCURRENCY CONSIDERATIONS</b> |                        |                       |
|-----------------------------------|------------------------|-----------------------|
| <i>Department</i>                 | <i>Concurrency Met</i> | <i>Other Comments</i> |
| TRANSPORTATION                    | Yes                    | No objection.         |
| FLOOD CONTROL                     | Yes                    | No objection.         |
| WASTEWATER                        | Yes                    | No objection.         |
| PARKS AND RECREATION              | N/A                    |                       |

**TRANSPORTATION REPORT:**

Concurrency Criteria have been met since area roads within one mile are operating below capacity. The most recent traffic count on Kolb Road, north of Interstate 10 (I-10) is 15,839 average daily trips (ADT) with a traffic capacity of 35,820 ADT. South of I-10, traffic most likely is even less on Kolb Road. The most recent traffic count for I-10 is 56,520 ADT; and the capacity is 73,600 ADT. The only roadway improvement projects in this area is a signalization project for Kolb and I-10. That project is scheduled for 2019.

Staff has no objection to the requested five-year time extension. We do not recommend any changes to the conditions at this time.

**REGIONAL FLOOD CONTROL DISTRICT REPORT:**

The department has no objection subject to the following condition (shown as #2D above):

At the time of development the owner(s) shall commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.



**REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a rezoning time extension. The subject property is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. The existing 18-inch public sewer line is located approximately 200 feet west of the subject property along the west side of Kolb Road. A preliminary investigation by PCRWRD identifies no capacity issues in the downstream conveyance or treatment system for this development. This is not a capacity assessment of the conveyance system. The applicant will have to go through the sewer capacity request process to determine the available capacity for the proposed development.

The PCRWRD has no objection to the above referenced request for a five-year time extension of the rezoning, but requests that in addition to the existing Department of Environmental Quality conditions in rezoning Resolution 2013-38, that wastewater conditions be added as shown under condition #8 above.

**ENVIRONMENTAL PLANNING REPORT:**

A five-year extension has been requested for the above-referenced rezoning case, which was originally approved in January 2003, subject to standard and special conditions. The Board of Supervisors has since approved two five-year extensions for this rezoning, first in February 2008 and again in April 2013, both also subject to standard and special conditions. Condition no. 13, which was added at the time the first time extension was requested, states: "The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist."

This condition may be removed from the list of standard and special conditions. County protocols regarding when surveys are required for certain species have changed since this condition was added. Under current protocols, surveys for western burrowing owls would not be required for this rezoning request.

**FIRE DISTRICT REPORT:**

Rural/Metro Fire Department reports no objections to the time extension and notes fire code compliance review requirements in attached comments.

**WATER DISTRICT REPORT:**

As of the writing of this report, staff has not received a response to a request for comments from Voyager Water Company.

**UNITED STATES FISH AND WILDLIFE SERVICE:**

As of the writing of this report, staff has not received a response to a request for comments.

**ARIZONA DEPARTMENT OF TRANSPORTATION REPORT:**

Regional Traffic Engineering has no comment on the rezoning and supports its acceptance.

The proposed location of the subject property may access the ADOT facilities on Kolb Road which would require a Traffic Impact Analysis. Please have the developer submit a Pre Submittal Form, Exhibit 240-A, for our records and the determination for the need of any further detailed documents. This could be done in the Development Plan phase.

**TUCSON INTERNATIONAL AIRPORT:**

Tucson Airport Authority (TAA) has provided attached comments. TAA supports the time extension, but requests that an Avigation Easement be recorded prior to approval of construction permits. TAA also indicates that notice should be sent to the Federal Aviation Administration prior to commencement of construction activities as described in the comments.

**PUBLIC COMMENT:**



Notice has been mailed to property owners within 300 feet of the rezoning site as per the original notice area. As of the writing of this report, no written public comments have been received.

TD/DP/ar  
Attachments

cc: Lewis I-10/Kolb LLP, Attn: R. Scott Lewis & Carolyn Anderson, 6511 E. Marta Hillgrove  
Tucson, AZ 85710-1116  
MJM Consulting, Inc., Attn: Michael Marks, 7002 E. 4<sup>th</sup> St., Tucson, AZ 85710-1116  
Tom Drzazgowski, Principal Planner  
Co9-02-24 File



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**

|   |  |                    |                           |   |
|---|--|--------------------|---------------------------|---|
|  | Notes: <b>Rezoning Time Extension</b>              |                    |                           |  |
|   | PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20           |                    |                           |   |
|   | Board of Supervisors Hearing: 01/16/18 (scheduled) |                    |                           |   |
|   | Base Map(s): 93                                    | Map Scale: 1:6,000 | Map Date: 12/05/2017 - ds |   |



N



2016

S Kolb Road






Subject  
Property

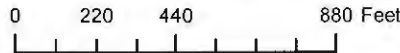
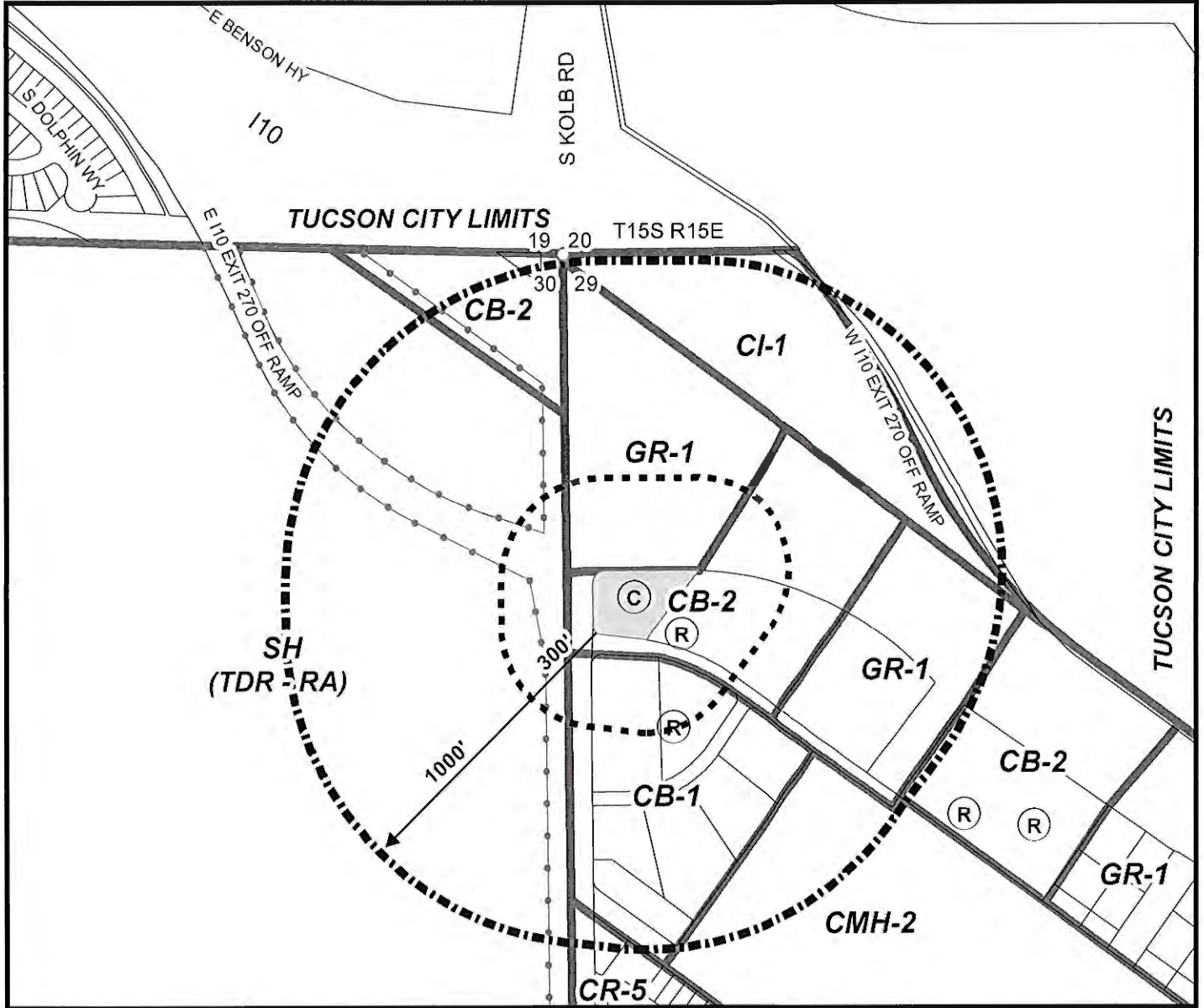
Exit 270

I-10

Frontage Road

Case #: Co9-02-024  
 FIDELITY NATIONAL TITLE AGENCY TRUST 10,930 ET AL -- KOLB ROAD REZONING  
 Tax Code(s): 141-23-002E

-  1000' Notification Area
-  300' Notification Area
-  Subject Property
-  Zoning Boundary
-  TDRS



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**



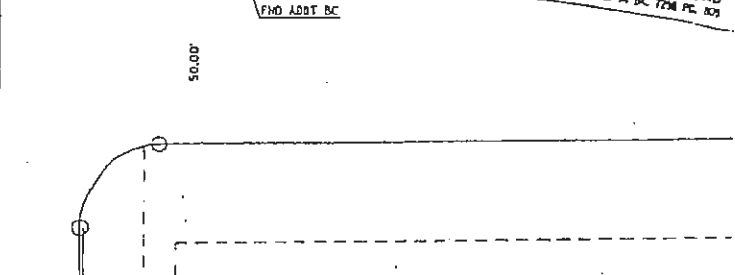
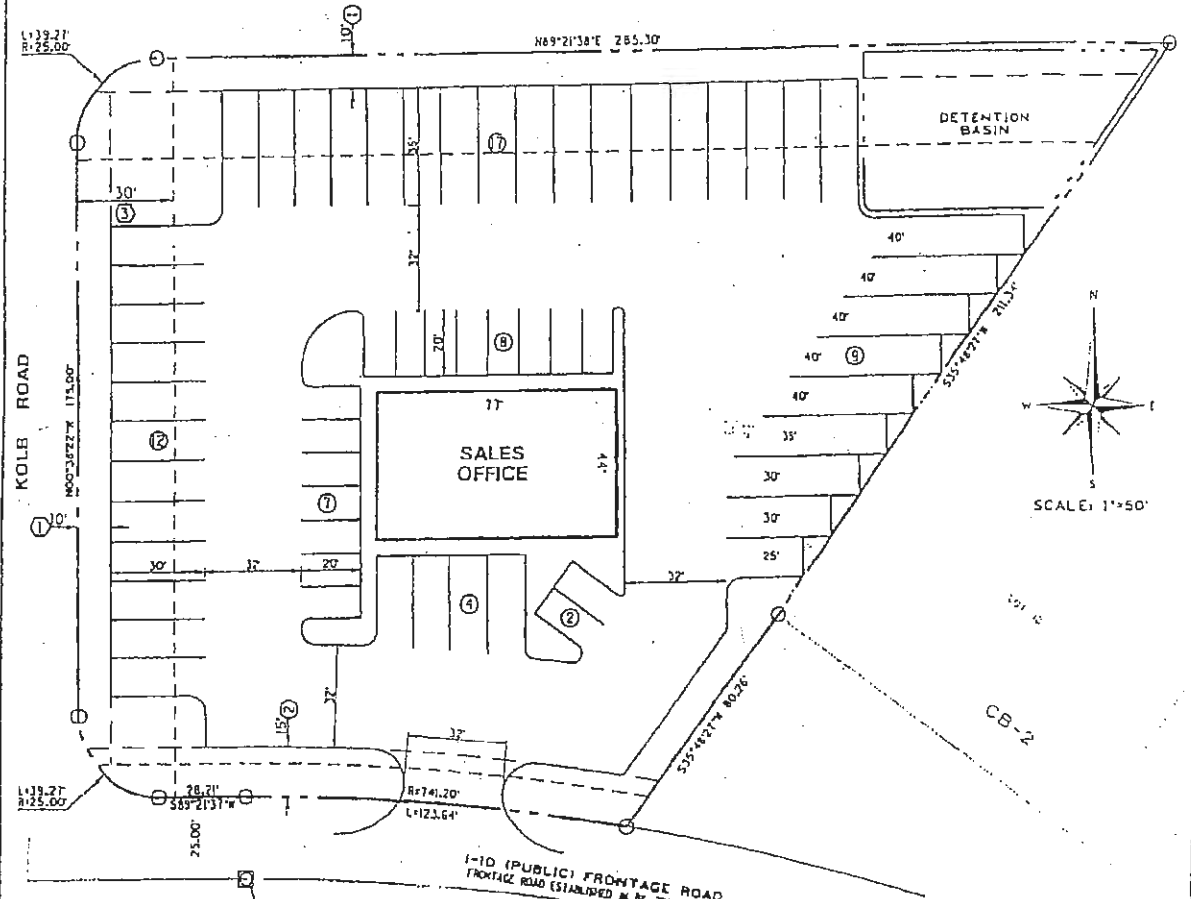
|   |  |                    |   |
|---|--|--------------------|---|
|  | Notes: <b>Rezoning Time Extension</b>              |                    |  |
|   | PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20           |                    |   |
|   | Board of Supervisors Hearing: 01/16/18 (scheduled) |                    |   |
|   | Base Map(s): 93                                    | Map Scale: 1:6,000 |   |

EXHIBIT B

Revised PDP to Rezone Parcel "A" Only 2002



**PARKING SUMMARY**

SALES OFFICE BUILDING DATA

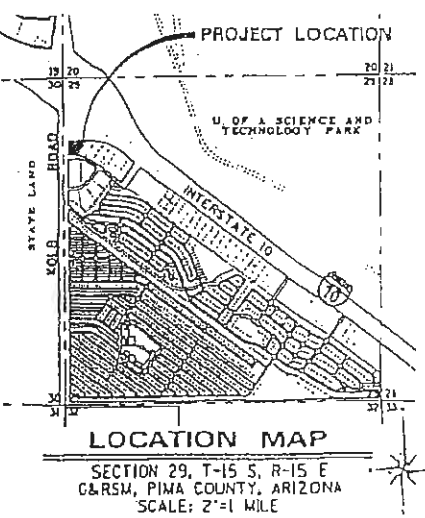
- GROSS FLOOR AREA = 3,400<sup>sq</sup>
- BUILDING HEIGHT = 18 FEET
- PARKING SPACES = 59 SPACES •

• THESE ARE VEHICLE AND DISPLAY AND RENTAL SPACES

**KEYNOTES** ○

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

C09-02-24



**MUM CONSULTING INC.**  
 Land Planning and Development Services  
 1100 N. Kolb, Suite 100, Tucson, AZ 85710  
 Phone: 520.282.1300 Fax: 520.282.1301

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

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

November 1, 2017

Mr. Thomas Drzazgowski, Zoning Administrator  
Pima County Department of Development Services –  
Planning Division  
201 N. Stone Ave, 2<sup>nd</sup> Floor  
Tucson, Arizona 85701

Re: Co9-02-24 Fidelity National Title Agency Trust 10,930, et al – Kolb Road Rezoning

Dear Mr. Drzazgowski:

This is a request for another 5-year time extension for the referenced rezoning case. The current expiration is January 14, 2018. The rezoning conditions have not been satisfied and will not be satisfied by this expiration date. The market conditions are not yet ripe for the development of this parcel, but there is still confidence that conditions will be right soon. It is felt that the property is just as appropriate for CB-2 now as it was when the rezoning was approved. The location of this property along the interstate highway makes commercial development appropriate.

For the record, the subject property is located at the southeast corner of I-10 & Kolb Road. The area of the property is 1.38 acres. The Assessor Number is 141-23-002E. The title of the property is with Lewis 1-10/Kolb LLP, and the General Members to that entity are Ralph Scott Lewis and Carolyn R. Anderson.

Attached are several items, those being 1) the submittal fee of \$4,867.00, 2) the authorization letter, 3) the Assessor ownership printout, 4) and the Assessor's Map. The Biological Impact Report was previously submitted, is currently in the official file, and it is considered to remain current and sufficient for the time extension matter (but in the event that staff thinks otherwise please let me know). Thank you.

Sincerely,



Michael Marks, AICP  
President

October 27, 2017

Mr. Thomas Drzazgowski, Zoning Administrator  
Pima County Department of Development Services –  
Planning Division  
201 N. Stone Ave, 2nd Floor  
Tucson, Arizona 85701

Re: Co9-02-24 Fidelity National Title Agency Trust 10,930 – Kolb Road Rezoning

Dear Mr. Drzazgowski:

Please consider Michael Marks, AICP of MJM Consulting, Inc. as duly authorized to act on behalf of the ownership in processing a time extension request for the subject property. The subject property is Parcel 141-23-002E which is owned by the Lewis I-10/Kolb LLP. The partners of that entity are Carolyn R. Anderson and Ralph Scott Lewis.

Thanks.

Sincerely,



R. Scott Lewis  
General Partners of the Lewis I-10/Kolb LLP



Carolyn R. Anderson





# Rural/Metro Fire Department

www.rmfire.com

December 1, 2017

Pima County Development Services Department  
Planning Division  
201 N. Stone Avenue, Second Floor  
Tucson, AZ 85701  
Attn.: David Petersen, Senior Planner

RE: Case Co9-02-24 Fidelity National Title Agency Trust #10,930, Kolb Road Rezoning

Dear David,

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the time extension. As the development continues into the plan stage, the applicant will need to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other applicable fire code requirements. As of January 3, 2016, the 2012 edition of the International Fire Code shall be the applicable fire code for this project.

If I can be of any further assistance on this matter you may contact me at any time.

Sincerely,

William F. Trench  
Fire Marshal/Battalion Chief  
Rural/Metro Fire Department

3759 N. Commerce Drive  
Phone (520) 297-1242

Tucson, Arizona 85705  
Cell (520)981-0280



November 29, 2017

Dear Mr. Petersen,

Thank you for the opportunity to comment on Co9-02-24, Rezoning Time Extension; for an approximately 1.38 acre site, with the project area located on the northeast corner of the intersection of Kolb Road and Interstate 10 Frontage Road. This particular project area was rezoned from Pima County GR-1 (Rural Residential) to CB-2 (General Business). The intention of the time extension is to extend the term of the previously approved rezoning an additional 5 years, effective until January 2023. The Tucson Airport Authority supports the request for the rezoning time extension request.

It is understood that the development of this project site could occur several years from this comment letter. According to the FAA Notice Criteria Tool, this project is located in proximity to a navigation facility and could impact navigation signal reception. Once the applicant determines that this project site shall be developed the applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. Any cranes used for the project must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

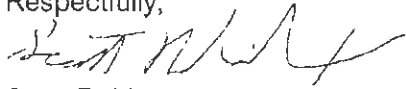
The Tucson Airport Authority is requesting that prior to the County's approval of any construction permit for a permanent building, the property owner shall record the Avigation Easement which discloses the existence and operational characteristics of the Tucson International Airport to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The content of such documents shall be according to the form and instructions provided.

The current property owner or person authorized to sign on behalf of the current property owner shall complete, sign, and record the Avigation Easement. Please record the Avigation Easement with the Pima County Recorder's Office. Once the Avigation Easement is recorded please send a copy of the recorded easement to Tucson Airport Authority by either email (send to [srobidoux@flytucson.com](mailto:srobidoux@flytucson.com)) or to the mailing address provided below.

Scott Robidoux  
Senior Airport Planner  
Tucson Airport Authority  
7250 South Tucson Boulevard  
Suite 300  
Tucson, AZ 85756

Please do not hesitate to contact me if you have any questions or concerns regarding this comment letter. I can be reached by email at [srobidoux@flytucson.com](mailto:srobidoux@flytucson.com) or by telephone at 520-573-4811.

Respectfully,



Scott Robidoux,  
Senior Airport Planner

cc file

**DECLARATION OF AVIGATION EASEMENT**

THIS DECLARATION OF AVIGATION EASEMENT ("Declaration"), is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, a(n) \_\_\_\_\_ ("Declarant").

A. Declarant is the sole record owner in fee simple of certain real property (the "Property") located in Pima County, Arizona which is more particularly described in Exhibit "A" attached hereto; and

B. The Property is located in the proximity of Tucson International Airport (as it now exists or may hereafter be enlarged and/or developed, the "Airport"); and

C. The Property is now and in the future will be subject to noise and other effects emanating from aircraft operating at or departing from or arriving at the Airport, and changes in airport layout or operating procedures could result in increased noise influences.

NOW THEREFORE, for good and sufficient consideration, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, which shall run with the Property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport ("Benefited Parties") the right to operate aircraft in and the right to cause in the airspace above or near the Property such noise, vibrations, fumes, vapors, smoke, deposits of dust or other particulate matter, fuel particles and all other effects as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether not in existence or hereafter manufactured and developed, to include without limitation, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air.



**EXHIBIT A**

(Legal Description)



## **Multifunctional Corridor (MFC)**

- a. Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district), and medium- to high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards in the zoning code and design manuals, such as standards for access management, building setbacks, open space, signs, parking, and landscaping.
- b. Residential Gross Density: Residential gross density, if applicable, shall conform to the following:
  - 1) Minimum – 6 RAC
  - 2) Maximum – As allowed by the requested conforming zoning district.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - 1) Minimum – 6 RAC
  - 2) Maximum – 18 RAC.



### 3.2 Focused Development Investment Areas Element



*Focus Development Investment Areas Concept*

State statutes require planning for growth areas, specifically identifying those areas that are particularly suitable for multimodal transportation and infrastructure expansion and improvements designed to support a concentration of a variety of uses, such as residential, office, commercial, tourism, and industrial uses. In unincorporated Pima County, Focused Development Investment Areas fulfill these functions.

Pima Prospers has identified the following portions of the county, identified on Exhibit 3.2.1, as falling under this element of the comprehensive plan:

1. Each of the incorporated jurisdictions of the County;
2. The Tucson International Airport-I-10 economic development corridor;
3. The bulk of the Southwest planning area within the unincorporated county;
4. Community Development Target areas;
5. Specific Revitalization Corridors; and
6. The "Loop" recreational trail (within the urban area).

**Goal 4 Implementation Measures:**

- a. Identify community stakeholders, historic and integral community/business assistance, working partnerships, and issues to attract and leverage available resources.
- b. Develop specific community goals, policies and implementation strategies to supplement but not supplant County-wide goals.
- c. Prioritize Community Development Target Areas in unincorporated Pima County.
- d. Consider utilizing HUD Neighborhood Revitalization Strategy Area methodology.
- e. Integrate community area plans by reference into the Comprehensive Plan.

Land Use Corridors

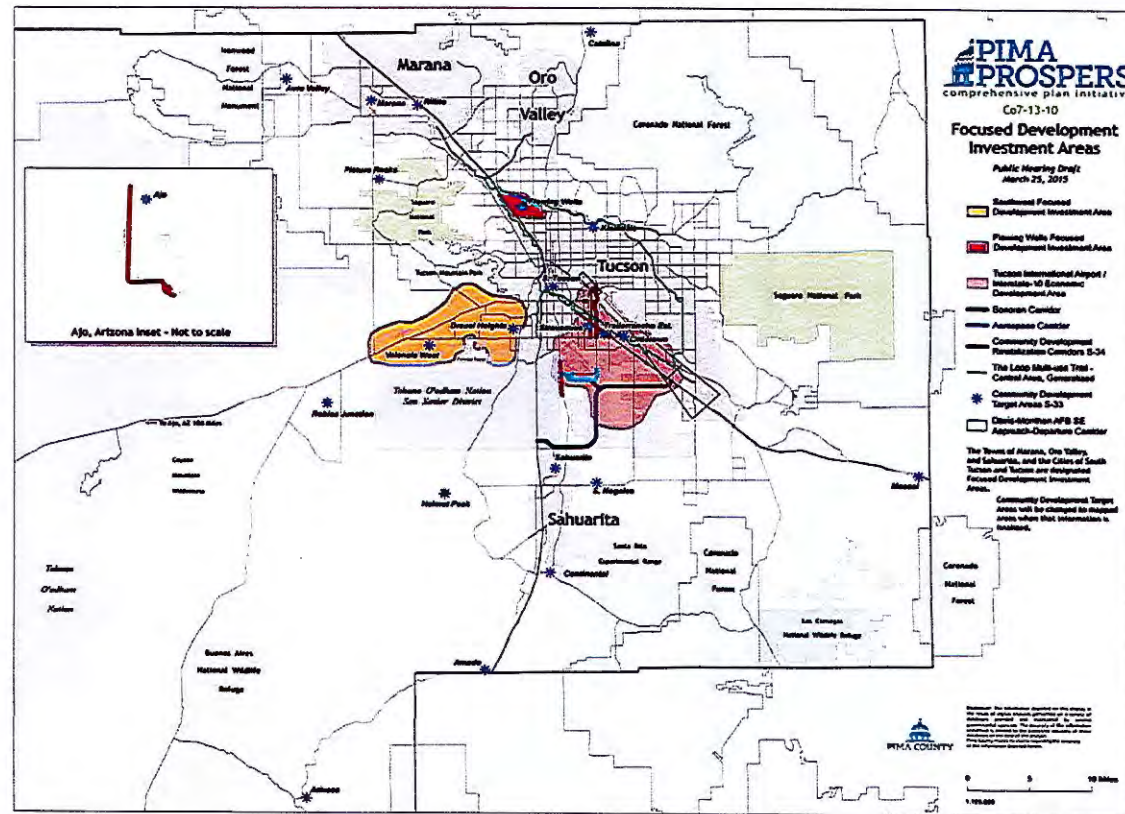
Certain existing and proposed major corridors in Pima County provide significant opportunities to focus commercial, research, industrial and other types of development where these uses are the most effective and mutually beneficial.

→ **Goal 5: Strategically plan economic development corridors to build new opportunities for job growth, housing, commerce and services**

Policy 1: Promote a mix of compatible land uses along economic development corridors that:

- a) Support emerging employment centers for biosciences, medical services, innovation and technology;
- b) Promote and leverage the region's economic strengths and emerging industry clusters;
- c) Identify and promote revitalization opportunity corridors;
- d) Incorporate opportunities for support services, job training, and commerce;
- e) Support small and local businesses;
- f) Provide community gathering areas (courtyards, plazas, river walks, etc.) and other amenities that help attract, support, encourage and retain a healthy workforce and appeal to multigenerational family members as well;
- g) Where appropriate, incorporate a diversity of housing types including workforce housing and a conveniently located mix of residential neighborhoods;
- h) Include activity centers appropriate in scale and location; and
- i) Support, as short and long term funding allows, a regional transportation network that includes multimodal opportunities including bike paths, electric vehicle recharging stations and electric street car public transportation routes and features.

**Exhibit 3.2.1: Focused Development Investment Areas**



F. ANN RODRIG , RECORDER  
Recorded By: CML  
DEPUTY RECORDER  
1951

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP



SEQUENCE: 20131610854  
NO. PAGES: 7  
RES 06/10/2013 18:00  
PICK UP  
AMOUNT PAID: \$0.00

RESOLUTION 2013- 38

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 (*Mesembryanthemem 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.

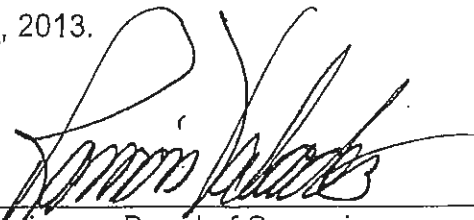
\* \* \*

**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 4th day of June, 2013.

  
\_\_\_\_\_  
Chairman, Board of Supervisors  
JUN 04 2013

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
**ANDREW FLAGG**

APPROVED:

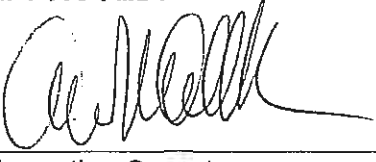
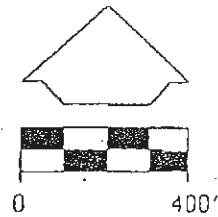
  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission



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.

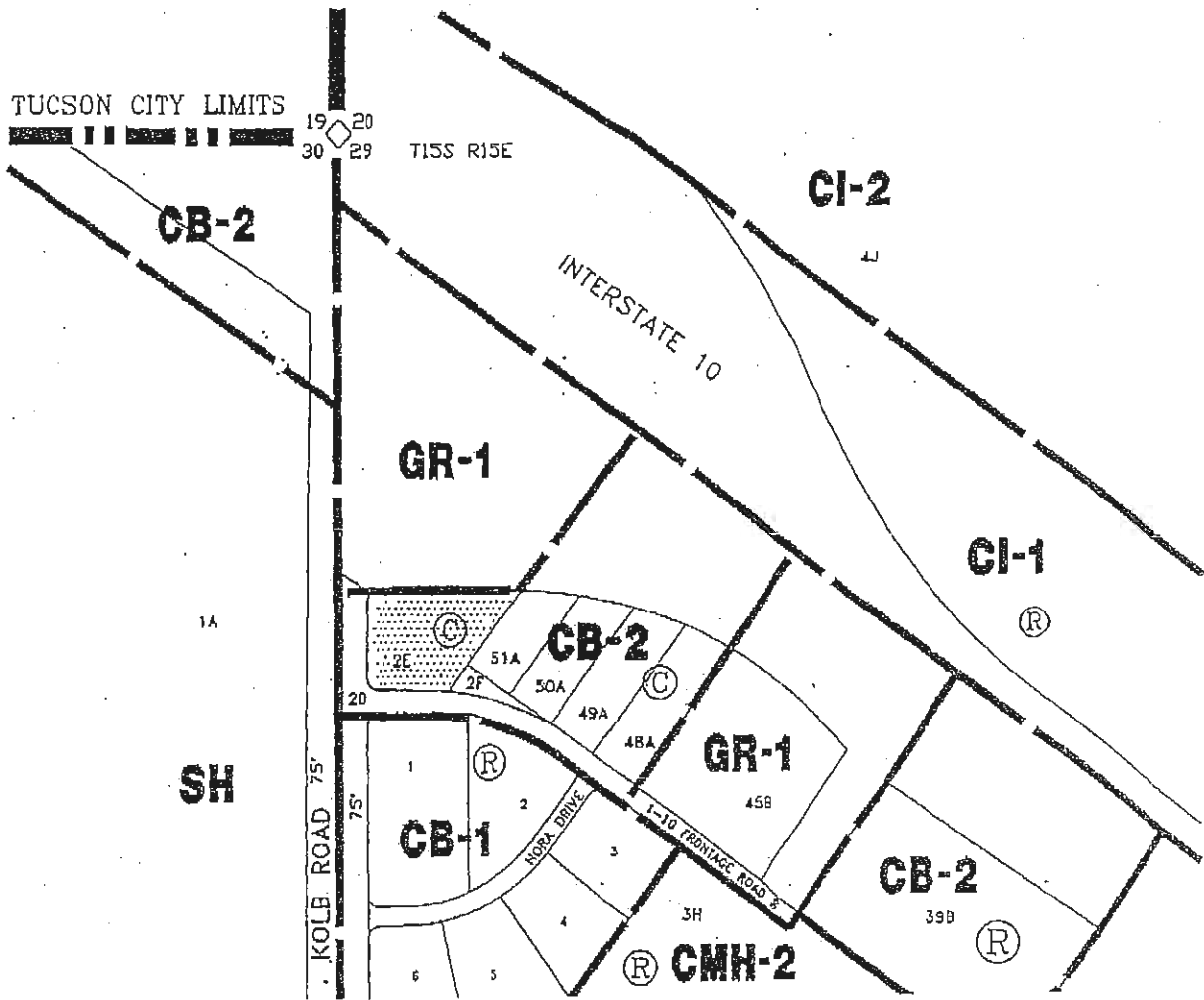
ADOPTED 4-8-03 EFFECTIVE 4-8-03



TUCSON CITY LIMITS



19 20  
30 29 TISS R15E



*David Peterson for*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 1.38 ac±  
dS-MARCH 11, 2003

CO9-02-24  
CO7-00-20  
141-23-002E

# Second Time Extension Approval Co9-02-24 BOS Minutes 4-2-13

## REGULAR AGENDA/ADDENDUM ITEMS

### 6. PROCUREMENT: AWARD

The Board of Supervisors on March 19, 2013, continued the following:

Limited Competition: Award of Contract, Requisition No. 13000301, TekSystems, Inc., (Headquarters: Hanover, MD) for staffing services in the amount of \$1,500,000.00. Contract is for a one year term and includes four one year renewal periods. The Award includes the authority for the Procurement Director to process renewals without further action by the Board of Supervisors provided that the sum of the contract amount does not exceed the award amount. Funding Source: General Fund. Administering Department: Information Technology.

Without objection, this item was continued to the Board of Supervisors' Meeting of April 9, 2013.

### 7. PROCUREMENT: AWARD

The Board of Supervisors on March 19, 2013, continued the following:

Low Bid: Award of Contract, Requisition No. 13000212, in the amount of \$2,183,090.00 to the lowest responsive bidder, Quest Civil Constructors, Inc., (Headquarters: Phoenix, AZ) for construction of the Green Valley Water Reclamation Facility Sludge Processing/Odor Improvement Project. Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation Department.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the award.

### 8. DEVELOPMENT SERVICES: 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)

Chris Poirier provided a brief report regarding the request. The Chairman inquired whether anyone wished to be heard, no one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and accept staff's recommendation against closure.

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)

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*)
    - Icelandic plant (*Mesembryanthemum crystallinum*)
    - Arabian Grass (*Schismus arabicus*)
    - Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))
  15. Environmental Planning Condition:  
Upon the effective date of the time extension associated with the 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 or 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.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve a five year rezoning time extension with modified standard and special conditions.

**First Time Extension Approval Co9-02-24**  
**305 minutes 2-19-08**

actual location of the property. The applicant met with the neighbors to address their concerns which were resolved. Staff and the Planning and Zoning Commission recommended approval with conditions. Staff recommended the addition of the following verbiage to the end of Condition 7C as illustrated below:

7. Transportation conditions:  
C. Internal vehicular access shall be provided to the north from the rezoning site at the time the property to the north is developed.

Robin Large, Planning Center representing the applicant, was present to answer questions.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-03-30, for a specialty retail/auto sales center with conditions and special and standard requirements and to amend Condition No. 7C as recommended by staff.

11. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-02-07, TITLE SECURITY OF ARIZONA T-212 - RIVER ROAD REZONING  
Request of Title Security Agency of Arizona T-212, represented by Joseph R. Cesare

Without objection, this item was continued to the Board of Supervisors' Meeting of April 15, 2008.

→ 12. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

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

Request of Lewis I-10/Kolb, L.L.C., represented by MJM Consulting, Inc., for a five-year time extension for the above referenced rezoning from GR-1 (Rural Residential) to CB-2 (General Business) for 1.38 acres. The subject site was rezoned in 2003. The rezoning expired on January 14, 2008. The site is located at the northeast corner of Kolb Road and the I-10 frontage road, south of I-10. Staff recommends APPROVAL WITH CONDITIONS. (District 4)

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL WITH CONDITIONS** of the 5-year time extension. The rezoning expired January 14, 2008. Rezoning conditions should be revised as outlined below:

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.

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 must 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 Environmental Quality condition:
    - A. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
    - B. As a condition of approval, 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. On-site wastewater disposal shall not be allowed.**
  10. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing.
  - 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 shall execute and record the following disclaimer regarding 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)."**
  - 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 (Mesembryanthemem crystallinum)
    - Arabian Grass (Schismus arabicus)
    - Natal Grass (Melinis repens (=Rhynchelythrum repens))
- Time limits, extensions and amendments of conditions.
1. Conditions 1 through ~~40~~ **14** shall be completed by January 14, ~~2008~~ **2013**.

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 until all conditions 1 through 40 14 are satisfied and the Planning Official issues a Certificate of Compliance.
4. 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."

Tom Hudson, Zoning Administrator, stated this was a request for a five-year time extension. The applicant could not complete the rezoning as previously approved due to market conditions. The property is located outside the Conservation Lands System and no comments were received regarding the time extension. Staff recommended approval of a five-year time extension with conditions.

Mike Marks, MJM Consulting representing the applicants, was present to answer any questions.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-02-24 for a five-year time extension with conditions.

13. **DEVELOPMENT SERVICES: LOT SPLIT**

P1299-006, Rancho Del Lago Blocks 1-20 (Bk. 53 Pg. 91) - Lot Split

Del Lago Golf, L.L.C., represented by Rick Engineering requests a lot split in the Rancho Del Lago Blocks 1-20 – Blocks 13 and 14 (Bk. 53 Pg. 91) (Tax Parcel Nos. 305-04-100B/305-04-1010). The applicant requests to split an approximately 6,706 square feet from Block 13 and 14 to be sold to Vail Water Company. The existing Vail Water Company office was erroneously built across the property line separating Block 13 and 14. Block 13 is a portion of an approved development plan (Golf Course Development Plan for Del Lago Golf Course – Bk. 24 Pg. 57) approved April 1, 2002. Block 14 has a development plan (Del Lago Golf Course Clubhouse – Bk. 22 Pg. 45) approved on January 19, 2001. The clubhouse development plan included the water company office. Permitting Note No. 2 on the Block Plat states: "There will be no further subdividing or lot splitting without the written approval of the Pima County Board of Supervisors." The subject property was rezoned to SP (Vail Valley Ranch Specific Plan ) in 1998 and is located on the corner of Via Rancho Del Lago and East Colossal Cave Road. Staff recommends APPROVAL. (District 4).

Arlan Colton, Planning Official, provided a report that indicated the water company's office was to be located on Block 14, but a portion of the building was on Block 13. It was requested that a lot split be approved to create a lot specifically for the water company structure that would meet all setback requirements.

Chuck Martin, Rick Engineering, stated cross access and a parking agreement with the golf course to share parking was reached. The agreement was done in the event the golf course was sold to another entity, and the water company wanted to have their own property that was not a part of Block 14.

# Original Rezoning Approval Co9-02-24 BOS Minutes 1-14-03

Jim Mazzocco, Planning Official, stated this is a rezoning from GR-1 to CR-2 on 2.17 acres. There are currently two existing residences on the property and approval of the request would allow five lots. The Planning and Zoning Commission and Planning staff recommended approval. There was no protest on this case.

The Chair inquired whether anyone in the audience wished to address the Board in opposition? No one appeared.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-02-23 subject to conditions and standard and special requirements.

## 26. DEVELOPMENT SERVICES: REZONING

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

Request of Fidelity National Title Agency Trust 10,930, et. al., represented by MJM Consulting, Inc., for a rezoning of 1.38 acres from GR-1 (Rural Residential) to CB-2 (General Business) located at the northeast corner of Kolb Road and I-10 frontage road, south of Interstate 10. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7 - 0 (Commissioners Membrila and RedDog were absent) to recommend **APPROVAL WITH CONDITIONS.** Staff recommends **APPROVAL WITH CONDITIONS** and standard and special requirements. (District 4)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:  
Completion of the following requirements within five years from the date of rezoning approval by the Board of Supervisors:

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 Public Works Department, Real Property 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. Construction of Nora Drive between the I-10 Frontage Road and Kolb Road. The roadway will be required to have a minimum cross-section of 34 feet of pavement, with vertical curbs and sidewalks on each side of the roadway.~~
  - ~~DC.~~ 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 BA. 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 must 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. ~~Wastewater Management condition:~~ Department Environmental Quality condition:  
~~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. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.~~
10. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing.
- ~~11. Parcel B conditions:~~
- ~~A. There shall be a minimum 100 foot setback for the maintenance building and RV wash building from the Trails West Mobile Home Park.~~
  - ~~B. There shall be no outdoor maintenance of RV's.~~
  - ~~C. There shall be no maintenance building bay doors which open in the direction of the Trails West Mobile Home Park.~~
  - ~~D. There shall be no use of outdoor audio amplification.~~
- ~~12. Within the bufferyard B adjacent to the Trails West Mobile Home Park, there shall be either a ratio of one 24-inch box canopy tree for every three canopy trees required or use of minimum 15 gallon canopy trees. The canopy trees shall be placed to achieve the maximum amount of screening for the adjoining residential area."~~

Jim Mazzocco, Planning Official, stated this is a rezoning from GR-1 to CB-2 on 1.38 acres for a recreational vehicle sales lot and office. The Planning and Zoning Commission and Planning staff recommended approval. There was no protest on this case.

The Chair inquired whether anyone wished to address the Board in opposition to the request? No one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-02-24 with conditions and standard and special requirements.

27. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-02-03, SAFEWAY, INC. - W. CORTARO FARMS ROAD  
(Initiated by the Planning and Zoning Commission on January 30, 2002)

Request of Safeway, Inc. to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Community Activity Center (CAC). The subject property is approximately 13 acres and is located on the northeast corner of Thornydale Road and Cortaro Farms Road in the Northwest Subregion. The Planning and Zoning Commission voted 6 - 0 (Commissioner Spendiarian abstained; Commissioners Membrila and RedDog were absent) to recommend DENIAL. Staff recommends DENIAL. (District 3)

If approved, pass and adopt:

RESOLUTION NO. 2003 - 7

Ben Changakoti, Principal Planner, stated the request before the Board was initiated by the Planning and Zoning Commission on January 20, 2002. Approval of the request would amend approximately 13 acres from LIU 0.3 to CAC (Community Activity Center) that lies within the multiple use or Recovery Management Area of the Conservation Land System. The property is currently zoned CB-1 and is vacant. The Planning and Zoning Commission and Planning staff recommended denial because this general area is the focus of many habitat issues and staff believes the amendment was premature to consider increasing the intensity of land use designations until wildlife issues are resolved. Five individuals addressed the Planning and Zoning Commission in opposition, four comment forms and one letter of protest were submitted.

The Chair inquired whether anyone wished to address the Board in opposition to the request? No one appeared.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elias, and unanimously carried by a five to zero vote, to close the public hearing and deny the request for Co7-02-03.