BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 17, 2018

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

Introduction/Background:

The Board of Supervisors approved a five-year Time Extension subject to original and modified conditions for this Rezoning on January 16, 2018.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

Conclusion:

The time limit and conditions contained in Rezoning Ordinance 2003-38, as amended by Resolutions 2008-321 and 2013-38, 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: 3/28/18

Deputy County Administrator Signature/Date: 3/29/18

County Administrator Signature/Date: 3/29/18

PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-02-24

FOR APRIL 17, 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: March 26, 2018

RESOLUTION FOR ADOPTION

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

If approved, adopt RESOLUTION NO. 2018 - _____

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. 4th St.
Tucson, AZ 85710-1116

DISTRICT: 4

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL

TD/DP/ar
Attachments

cc: Co9-02-24 File
Tom Drzazgowski, Chief Zoning Inspector

RESOLUTION **2018-_____**

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 – KOLB ROAD REZONING; LOCATED ON THE NORTHEAST CORNER OF KOLB ROAD AND INTERSTATE 10 FRONTAGE ROAD, SOUTH OF INTERSTATE 10; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE 2003-38 AS AMENDED BY RESOLUTIONS 2008-321 AND 2013-38.

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

1. On January 14, 2003, in rezoning case Co9-02-24, the Pima County Board of Supervisors approved the rezoning of approximately 1.38 acres located on the northeast corner of Kolb Road and Interstate 10 Frontage Road, south of Interstate 10, as shown on Exhibit A, from GR-1 (Rural Residential) to CB-2 (General Business), subject to standard and special conditions.
2. On April 8, 2003, the Pima County Board of Supervisors adopted rezoning Ordinance 2003-38, recorded at Docket 12028, Page 5327, rezoning the approximate 1.38 acres described in rezoning case Co9-02-24 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance 2003-38.
4. On February 19, 2008, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. On December 9, 2008, the Pima County Board of Supervisors adopted Resolution 2008-321, recorded at Sequence 20082440555, memorializing the new rezoning time limit and modified standard and special conditions.
6. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance 2003-38, as amended by Resolution 2008-321.
7. On April 2, 2013, the Pima County Board of Supervisors accepted staff's recommendation against closure and approved a five-year time extension subject to modified standard and special conditions;
8. On June 4, 2013, the Pima County Board of Supervisors adopted Resolution 2013-38, recorded at Sequence 20131610854, memorializing the new rezoning time limit and modified standard and special conditions.
9. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance 2003-38, as amended by Resolution 2008-321 and Resolution 2013-38.
10. On January 16, 2018, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
11. Section 3 of Ordinance 2003-38 and the Pima County Code allow the Board of

Supervisors to amend the rezoning time limit and conditions by resolution.
NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2003-38, as amended by Resolution 2008-321 and Resolution 2013-38, 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 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~~1. 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~~2. 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.

~~9~~3. Department of Environmental Quality condition~~s~~:

~~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~~4. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing (EXHIBIT B).

~~11~~5. 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~~6. 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~~7. 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.

Section 2. Section 3 of Ordinance 2003-38, as amended by Resolution 2008-321 and Resolution 2013-38, is restated and modified as follows:

1. Conditions 1 through ~~15~~ 9 shall be completed by January 14, ~~2018~~ 2023.

2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through ~~15~~ 9 are satisfied and the Planning Official issues a Certificate of Compliance.

4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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

_____
Chairman, Pima County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

_____ 3/8/2018
Deputy County Attorney
Lesley M. Lukach

APPROVED:

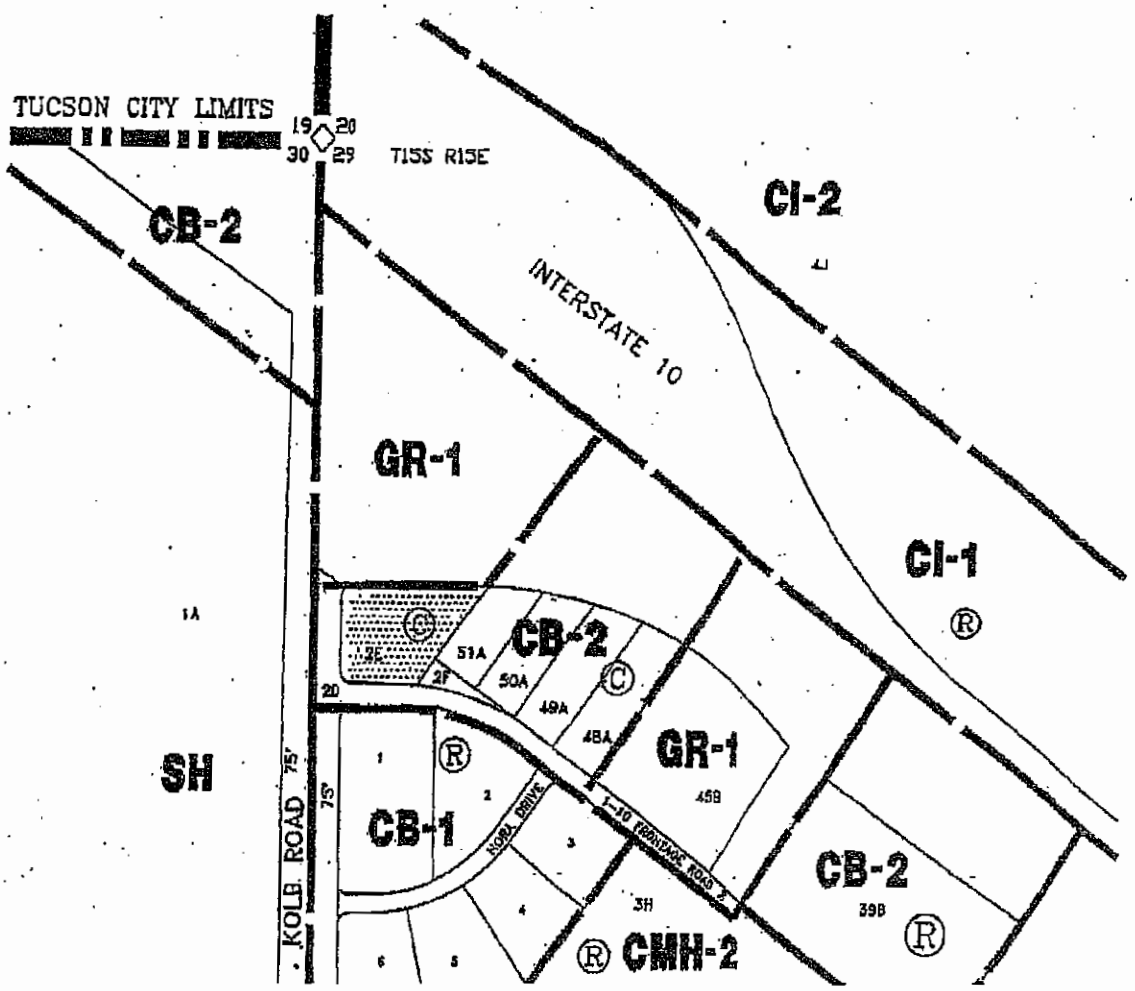
_____
Executive Secretary
Planning and Zoning Commission

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

0 400'

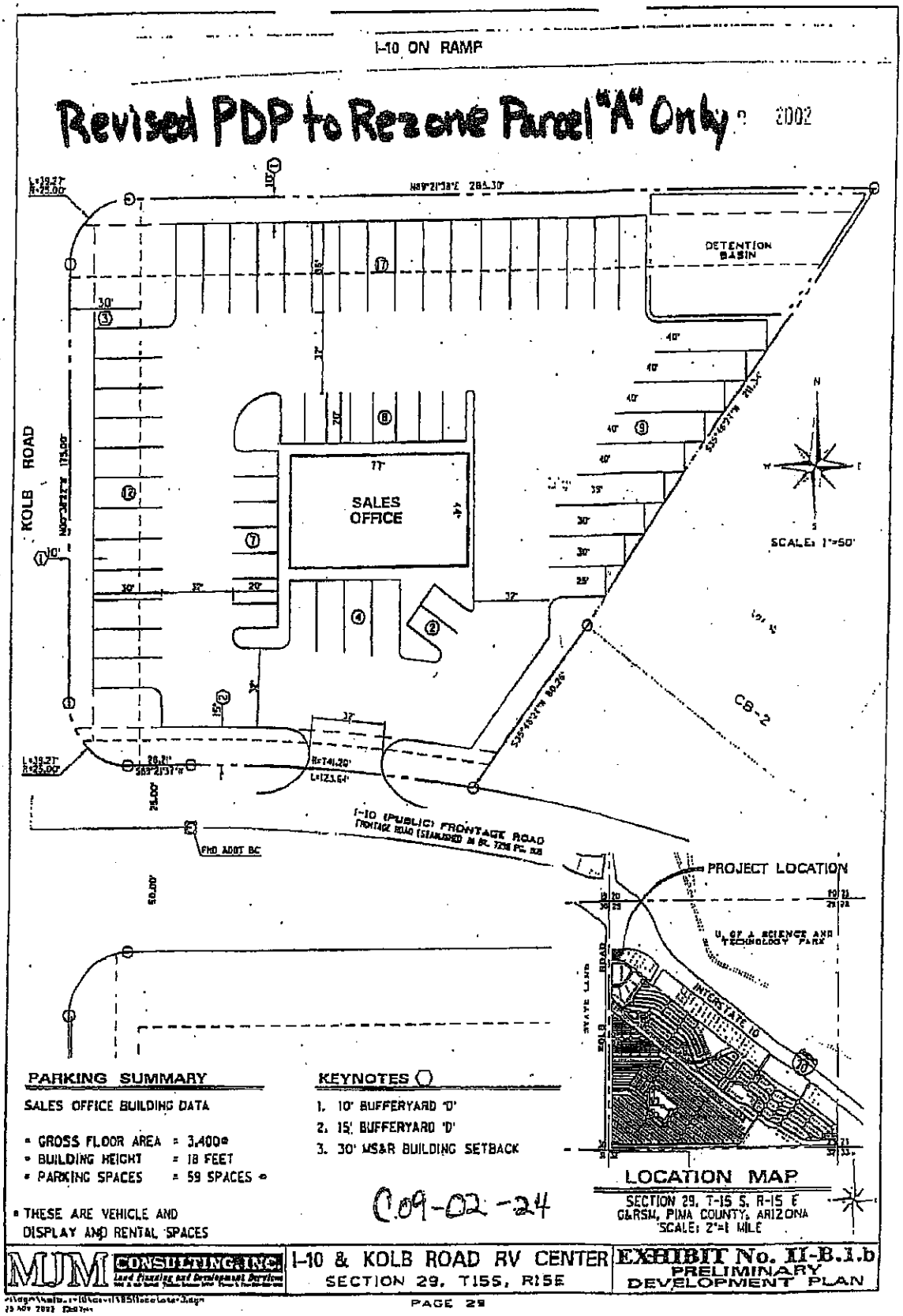


David Petersen for
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 1.38 ac±
ds-MARCH 11, 2003

C09-02-24
C07-00-20
141-23-002E

EXHIBIT B


I-10 ON RAMP
Revised PDP to Rezone Parcel "A" Only
2002
DETENTION BASIN
KOLB ROAD
SALES OFFICE
SCALE: 1"=50'
CB-2
I-10 (PUBLIC) FRONTAGE ROAD
PROJECT LOCATION
INTERSTATE 10
PARKING SUMMARY
SALES OFFICE BUILDING DATA
* GROSS FLOOR AREA = 3,400±
* 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' MS&R BUILDING SETBACK
C09-02-24
LOCATION MAP
SECTION 29, T-15 S, R-15 E
G&RSM, PIMA COUNTY, ARIZONA
SCALE: 2"=1 MILE
MJM CONSULTING INC
I-10 & KOLB ROAD RV CENTER
SECTION 29, T15S, R15E
EXHIBIT No. II-B.1.b
PRELIMINARY DEVELOPMENT PLAN
PAGE 29