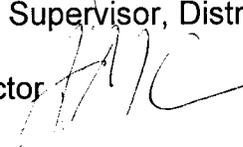




MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Raymond J. Carroll, Supervisor, District # 4

FROM: Arlan M. Colton, Planning Director 

DATE: March 20, 2013

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

The above referenced Rezoning Closure/Time Extension within your district is scheduled for the Board of Supervisors' **TUESDAY, APRIL 2, 2013** hearing.

REQUEST: A. Proposal to **close** a rezoning of 1.38 acres from GR-1 (Rural Residential) to CB-2 (General Business).

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

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

AGENT: MJM Consulting, Inc.
Attn: Michael Marks
7002 E. 4th St.
Tucson, AZ 85710

DISTRICT: 4

STAFF CONTACT: Janet Emel

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

STAFF RECOMMENDATION: AGAINST CLOSURE AND APPROVAL OF A FIVE-YEAR REZONING TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.

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

CP/JE/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-02-24

Page 1 of 6

FOR APRIL 2, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Development Services Department-Planning Division

DATE: March 20, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE/TIME EXTENSION

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

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.
(District 4)

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

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.
(District 4)

STAFF RECOMMENDATION

Staff recommends **AGAINST CLOSURE** and **APPROVAL** of a **five-year rezoning time extension to January 14, 2018** for the 1.38 acres to CB-2 (General Business) with the original standard and special conditions, as amended with additional Condition #15.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

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(l)."
13. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
14. Under no circumstances shall the following non-native plant species be planted on the site:
 - Fountain grass (*Pennisetum setaceum*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Johnson grass (*Sorghum halapense*)
 - Giant reed (*Arundo donax*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Pampas grass (*Cortaderia selloana*)
 - Red brome (*Bromus rubens*)
 - Mediterranean grass (*Schismus spp.*)
 - Tree of Heaven (*Ailanthus altissima*)
 - African sumac (*Rhus lancea*)

Russian olive (*Eleagnus angustifolia*)
Salt cedar/Tamarisk (*Tamarix pentandra* and *T. ramosissima*)
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (*Eragrostis intermedia*)
African rue (*Peganum harmala*)
Iceplant (*Mesembryanthemum crystallinum*)
Arabian Grass (*Schismus arabicus*)
Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))

15. Environmental Planning Condition:

Upon the effective date of the 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.

STAFF REPORT:

Staff recommends against the closure; but closure must be considered prior to consideration of a time extension based on the code provision which limits time to complete conditions to ten years from the date of rezoning approval.

Staff recommends approval of the requested five-year time extension. This is the second time extension request for the site. The CB-2 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. A time extension is warranted due to on-going economic challenges as noted by the applicant, and including those related to the recreational vehicle business. Little change has occurred in the area except for the self-storage facility to the east which was developed prior to the last time extension.

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 high-density residential clusters in a linear configuration along major transportation corridors. There are no special area policies or rezoning policies for this site. The site is within the airport growth area which is a policy-defined area located generally between

Tucson International Airport and Davis-Monthan Air Force Base, centered along the Interstate 10 corridor. Growth Area policies are designed to promote higher intensity development and implementation of smart growth strategies such as mixed use and infill development of which the rezoning complies. If the rezoning case were to be closed, the GR-1 zone 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 Undeveloped
 East: CB-2 Self-storage and RV/boat Storage
 West: SH Kolb Road/Undeveloped/Transfer Density Rights Receiving Area (TDR-RA) State Land

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Met / Comments</i>	<i>Conditions</i>
TRANSPORTATION	Yes	Same conditions remain.
FLOOD CONTROL	No objection or comment.	Same conditions remain.
WASTEWATER	No objection.	Same conditions remain.
PARKS AND RECREATION	No objection or comment.	No conditions.

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 15,000 ADT with a traffic capacity of 33,000 ADT. South of I-10, traffic most likely is even less on Kolb Road. The most recent traffic count for I-10 is 52,000 ADT and the capacity is 73,600 ADT.

Staff has no objection to the requested five-year time extension provided the conditions remain.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The department has no objection, comment or additional conditions for this request.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The department has no objections to the 5-year rezoning time extension and considers the existing wastewater rezoning conditions (reference Department of Environmental Quality conditions) to be sufficient.

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT:

The department has no objection to the proposed time extension.

NATURAL RESOURCES, PARKS AND RECREATION REPORT:

The department has no objections or comments.

CULTURAL RESOURCES REPORT: There was an archaeological survey which resulted in a finding of no cultural resources. No further cultural resources requirements would apply.

RURAL METRO FIRE DEPARTMENT: See attached comments.

VOYAGER WATER COMPANY: No comments have been received to date.

UNITED STATES FISH AND WILDLIFE (USFWS): No comments have been received to date.

ARIZONA STATE LAND DEPARTMENT: No comments have been received to date.

DAVIS MONTHAN AIR FORCE BASE: No comments have been received to date.

PUBLIC COMMENTS

As per the original rezoning request, notice has been mailed to property owners within 300 feet of the rezoning site. To date, no written public comments have been received.

CP/DP/ar
Attachments

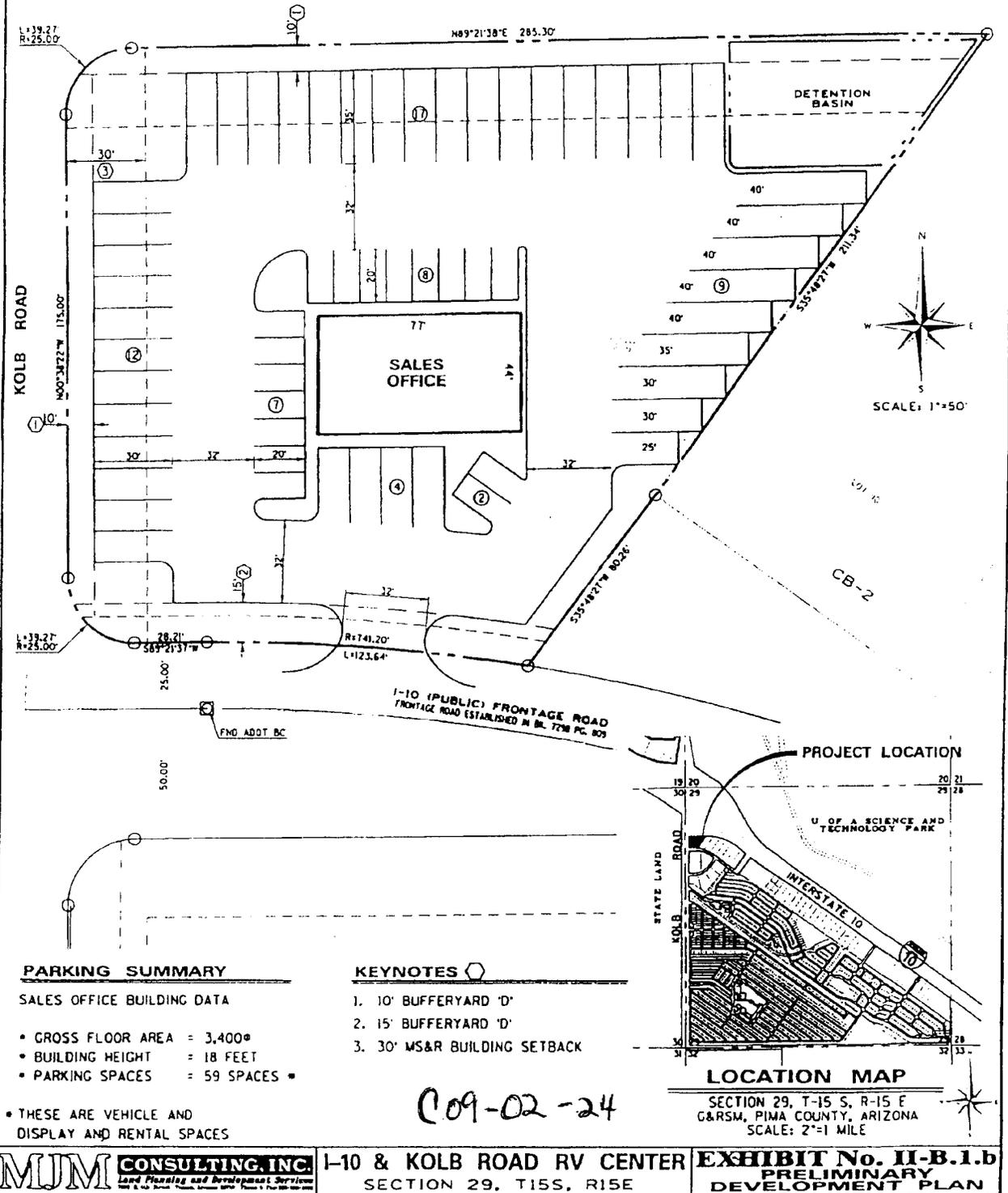
c: Lewis I-10/Kolb LLP, Attn: R. Scott Lewis & Carolyn Anderson
6511 E. Marta Hillgrove, Tucson, AZ 85710-1116
MJM Consulting, Inc., Attn: Michael Marks, 7002 E. 4th St., Tucson, AZ 85710
Chris Poirier, Assistant Planning Director
Co9-02-24 File



**Co9-02-24 FIDELITY NATIONAL TITLE AGENCY TR 10,930, ET AL — KOLB ROAD REZONING
REZONING CLOSURE/TIME EXTENSION 2012**

EXHIBIT B

Revised PDP to Rezone Parcel "A" Only



PARKING SUMMARY

SALES OFFICE BUILDING DATA

- GROSS FLOOR AREA = 3,400^{sq}
- 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

Co9-02-24

MJM CONSULTING, INC.
Land Planning and Development Services

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

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

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Rural/Metro Fire Department

www.rmfire.com

February 19, 2013

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

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

Dear Janet,

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 April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

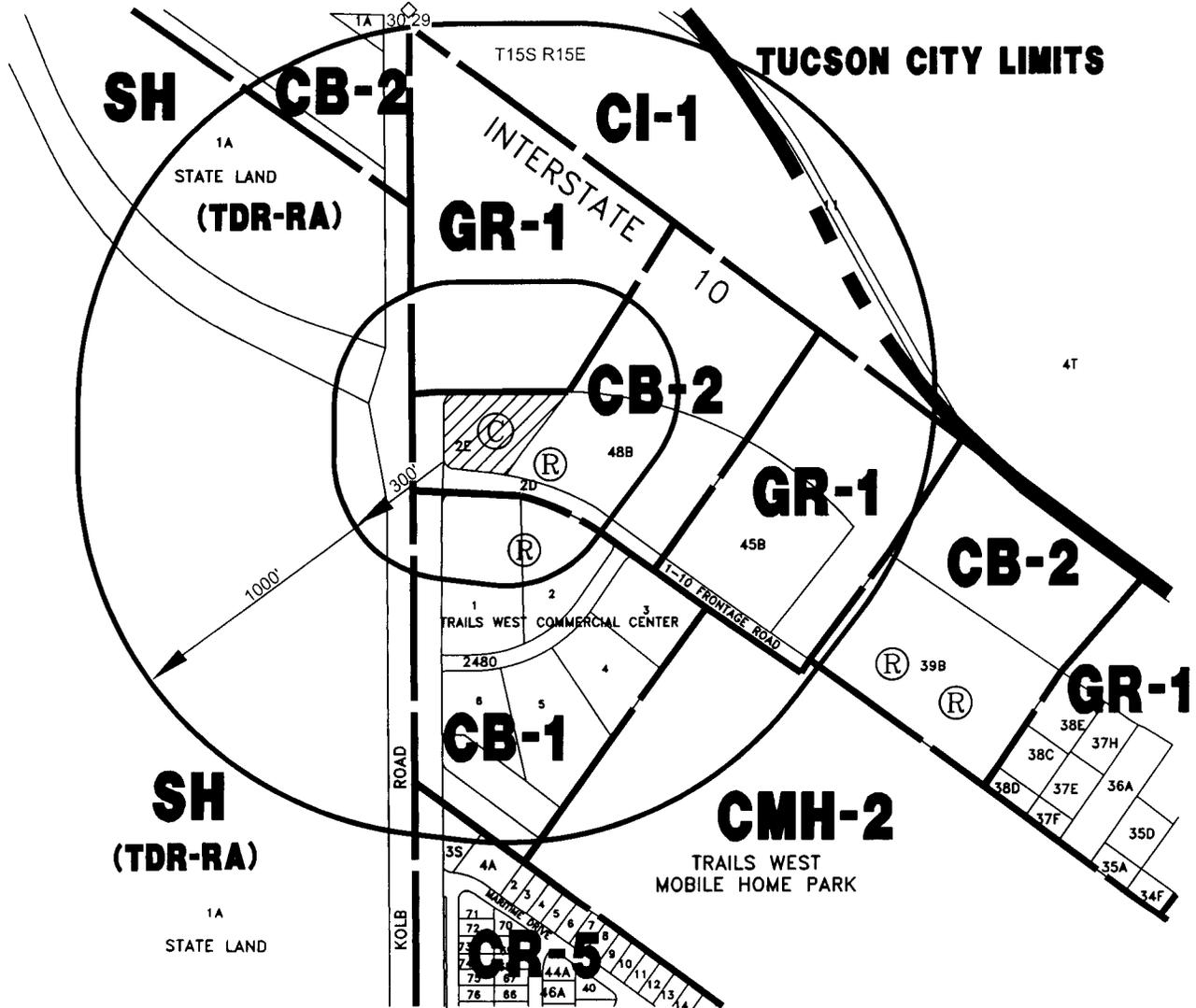
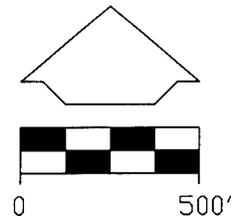
If I can be of any further assistance on this matter you may contact me at 297-1242.

Sincerely,

A handwritten signature in black ink that reads "William F. Treatch". The signature is written in a cursive, slightly slanted style.

William F. Treatch
Deputy Fire Marshal/Battalion Chief
Rural/Metro Fire Department

490 West Magee Road Tucson, Arizona 85704
Phone (520) 297-3600 Fax (520) 797-1825
Toll Free (866) 411-7633



Petition area

Notification area

BASE MAP 93

Notes CLOSURE / TIME EXTENSION

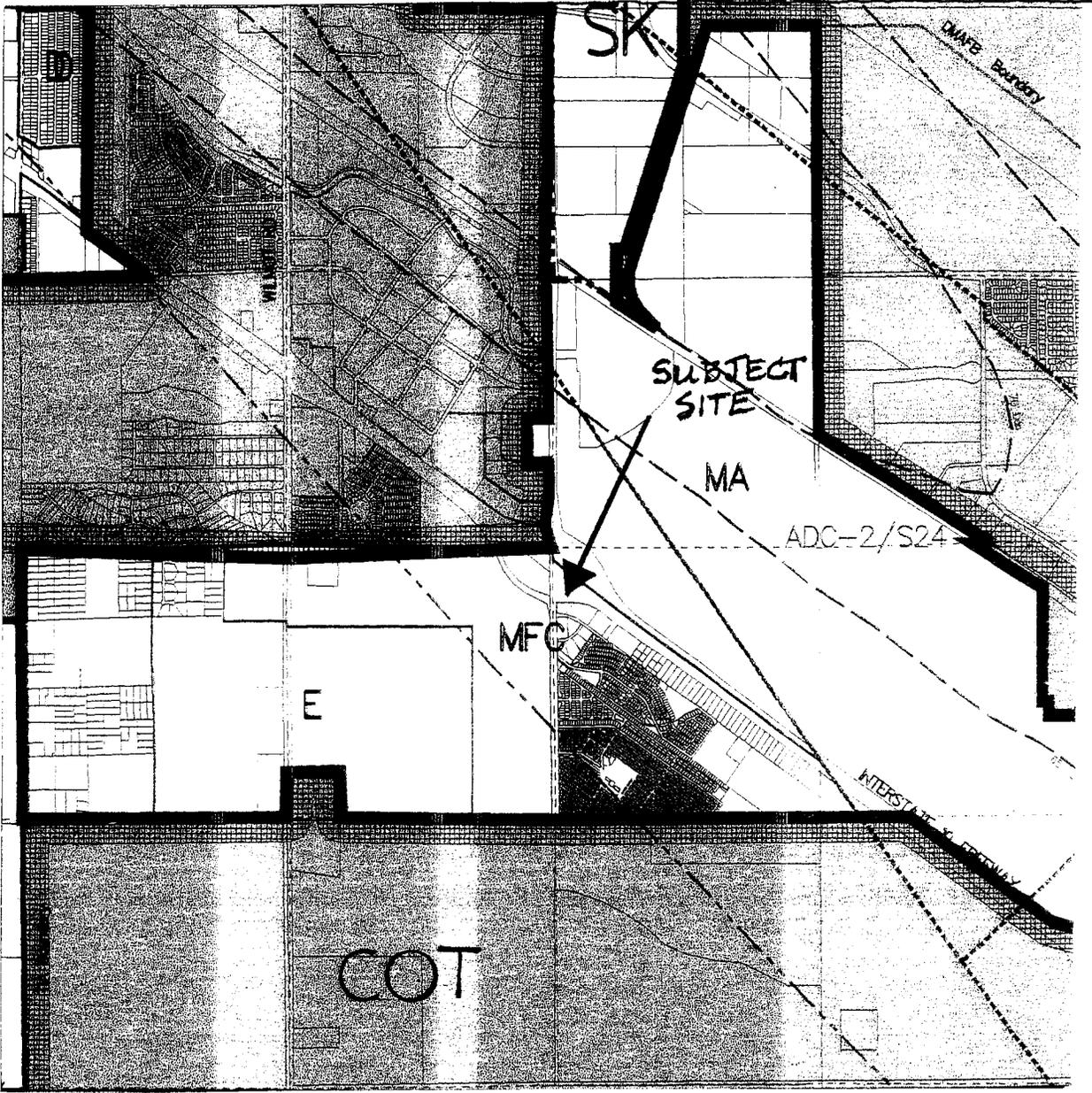
Tax codes 141-23-002E

Date 03/11/13
 Drafter DS

File no. C09-02-24
 FIDELITY NATIONAL TITLE AGENCY TR
 10,930 ET AL - KOLB RD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

Comprehensive Plan Designation – Multi-functional Corridor (MFC)



- KEY:
- MA – Military Airport
 - D – Medium Intensity Urban
 - E – Medium High Intensity Urban
 - MFC – Multi-functional Corridor
 - NAC – Neighborhood Activity Center

SK – South Kolb Road Specific Plan

Multifunctional Corridor

'MFC' on the Land Use Plan Maps

- a. Purpose: To designate areas for the integrated development of complementary uses along major transportation corridors.
- b. Objective: These areas contain commercial and other non-residential use services and 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, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 44 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 6 RAC
 - 2) Maximum – 18 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) TH Trailer Homesite Zone
 - 3) CR-3 Single Residence Zone
 - 4) CR-4 Mixed-Dwelling Type Zone
 - 5) CR-5 Multiple Residence Zone
 - 6) TR Transitional Zone
 - 7) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 8) MR Major Resort Zone
 - 9) CB-1 Local Business Zone
 - 10) CB-2 General Business Zone
 - 11) CPI Campus Park Industrial Zone

November 30, 2012

Mr. Chris Poirier, 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, et al – Kolb Road Rezoning

Dear Mr. Poirier:

This is a request for a second 5-year time extension for the referenced rezoning case. The current expiration is January 14, 2013. The rezoning conditions have not been satisfied and will not be satisfied by this expiration date. The economy during the last number of years has not been healthy enough for the development of the subject property. Nevertheless, the property is just as appropriate for CB-2 now as it was when the rezoning was approved. The economy is improving and if that continues we expect this property will be ripe for development soon.

As this is a second request for time extension, resulting in a total time limit in excess of 10 years, we understand that the rezoning must first undergo a 'closure'. We encourage the Board of Supervisors to move forward with the 'closure' hearing, but we hope and encourage that the outcome will be a 're-opening' of the case. Then a time extension can be granted as we would like.

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 \$2815.50, 2) the Authorization letter, 3) the Assessor ownership printout, 4) and the Assessor's Map. A Biological Impact Report was submitted in connection with the previous time extension and that is in the County file. Since no changes to the site have taken place, relevant to the BIR, no new BIR is being submitted. If the assumption that the BIR in the file is still good is not valid please let me know. Thank you.

Sincerely,



Michael Marks, AICP
President

RECEIVED
JAN 10 2013

BY: HE.....

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: LAN
DEPUTY RECORDER
6545 AS2



DOCKET: 13456
PAGE: 2109
OF PAGES: 6
SEQUENCE: 20082440555
12/17/2008
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

RESOLUTION 2008- 321

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

WHEREAS, on August 2, 2002, the owner(s) of approximately 1.38 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, 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 November 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 and special conditions; and,

WHEREAS, Ordinance No. 2003-38 allows the Board of Supervisors to amend the rezoning time limit and conditions 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 follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

RECORDED

6

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

11-11-2010 10:11:10 AM

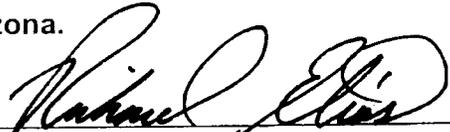
Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)
African rue (Peganum harmala)
Iceplant (Mesembryanthemem crystallinum)
Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (=Rhynchelythrum repens))

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 follows:

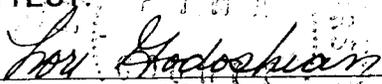
1. Conditions 1 through 40 14 shall be completed by January 14, 200813.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 40 14 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.

* * *

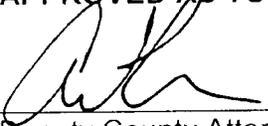
Passed and adopted this 9th day of December, 2008, by the Board of Supervisors of Pima County, Arizona.



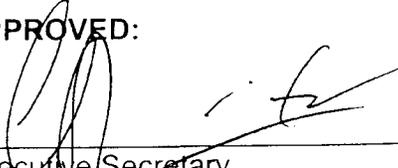
 Chairman, Board of Supervisors
 12/9/08

ATTEST:


 Clerk, Board of Supervisors

APPROVED AS TO FORM:


 Deputy County Attorney
ANDREW FLAGG

APPROVED:


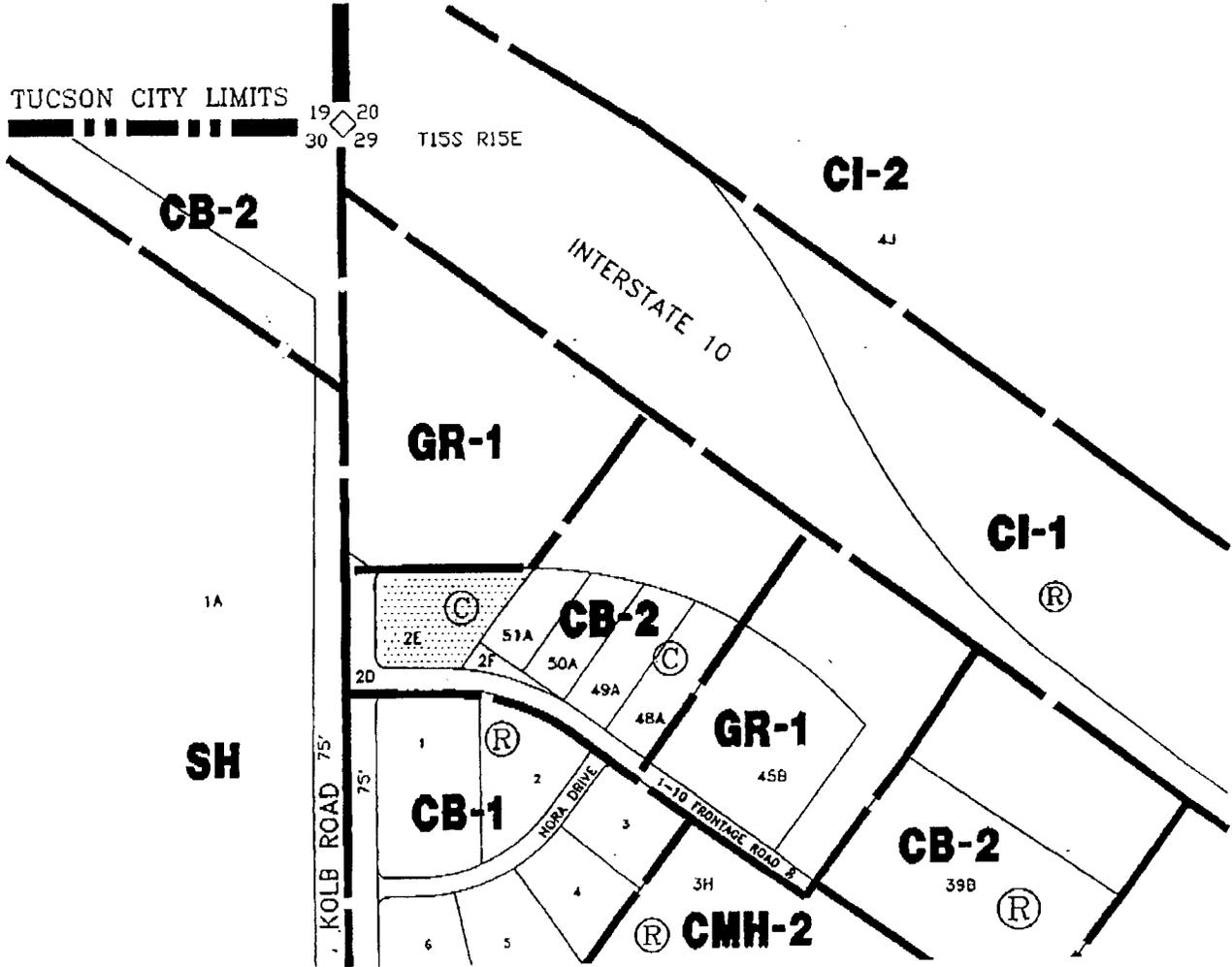
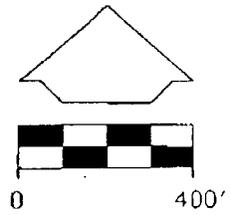
 Executive Secretary
 Planning and Zoning Commission

2008 DEC 9 10:44 AM

EXHIBIT A

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

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



David Petersen 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

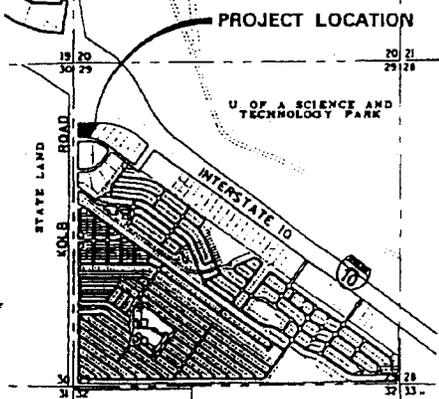
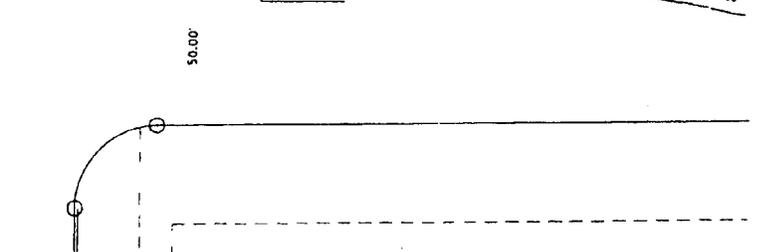
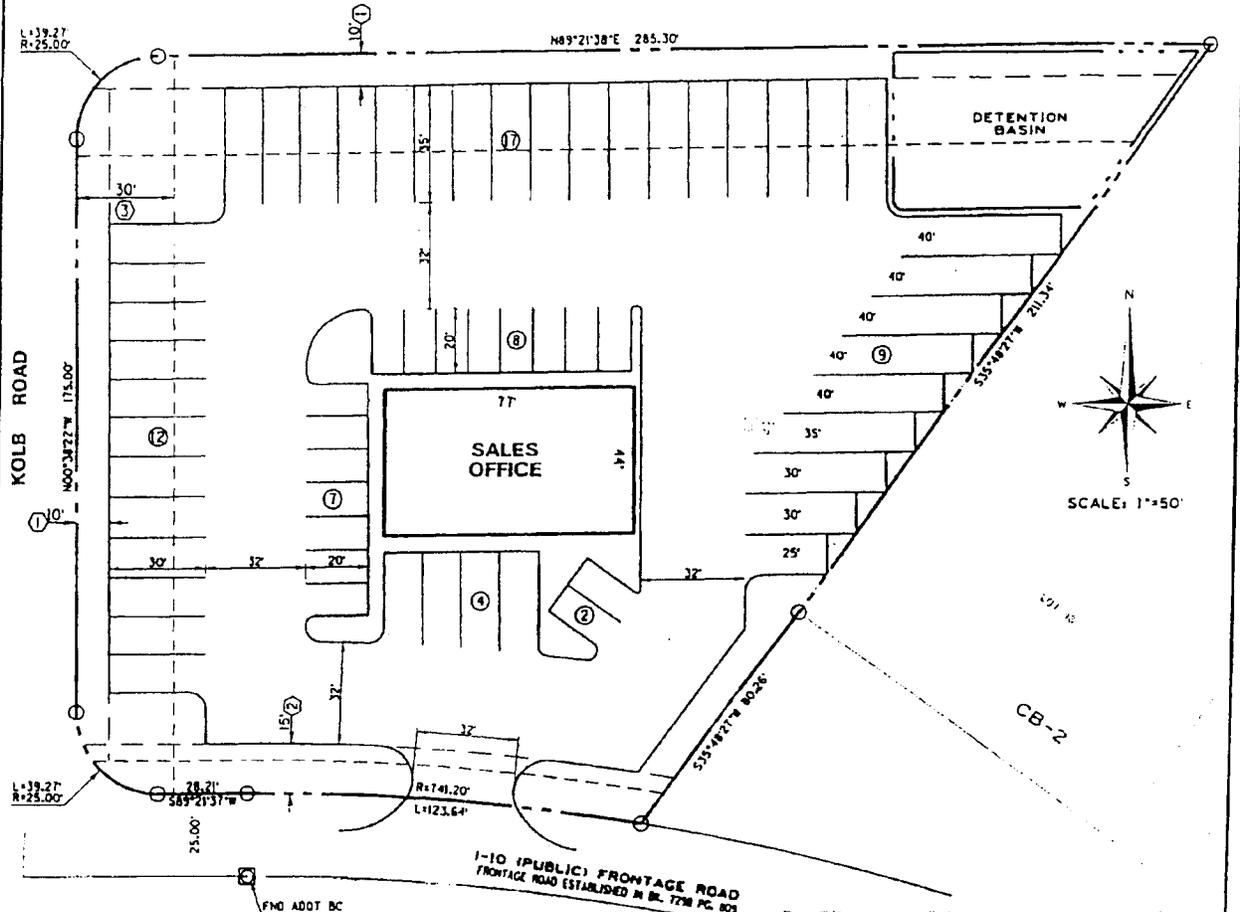
CD9-02-24
CD7-00-20
141-23-002E

PLANNING DIVISION

EXHIBIT B

Revised PDP to Rezone Parcel "A" Only

2002



PARKING SUMMARY

SALES OFFICE BUILDING DATA

- GROSS FLOOR AREA = 3,400^{sq}
- 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

Co9-02-24

MJM CONSULTING, INC.
Land Planning and Development Services

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

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

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1-10-02-011-1

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)**
 - Icelandic poppy (Mesembryanthemum 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.

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.~~
 - ~~BC.~~ 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 Mambriila 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.