



Board of Supervisors Memorandum

P18CU00001

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FOR BOARD OF SUPERVISORS APRIL 3, 2018 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: February 19, 2018

DOCUMENT: P18CU00001

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Juan Tellez (Vail Equipment Rentals, LLC), on property located at 16025 S. Wilmot Road, approximately 700 feet north of the Sahuarita Road intersection, in the RH (Rural Homestead) Zone, for a conditional use permit for a retail/repair shop, in accordance with Section 18.13.030.B.10 of the Pima County Zoning Code as a Type II conditional use permit. (Districts 2 and 4)

CASE BACKGROUND AND PARTICULARS

The applicant's request is to establish a permanent location for Vail Equipment Rentals, LLC. The business began as a roadside entity and has grown significantly in recent years, thereby needing a stable location from which it can be operated and serve the surrounding area. The subject property fronts directly on Wilmot Road and lies several hundred feet north of Sahuarita Road. Wilmot was recently paved by the Department of Transportation and now provides a continuous paved link from Sahuarita Road northward to Valencia Road.

SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on February 14, 2018. The applicant presented the case to the hearing administrator and answered his questions.

Two (2) members of the public attended the hearing, one (1) whom elected to speak on the matter. That individual did not express opposition to the request, but did raise concerns with respect to: 1) noise during early-morning or evening hours from machinery and maintenance activities; and 2) the potential surface run-off of hazardous materials, such as oils and solvents, into the groundwater table that feeds the private wells in the area.

With these matters on the record, the applicant responded that the business primarily rents small-engine items, not large construction equipment, with the largest piece of equipment they offer being a standard backhoe. He also mentioned, on the topic of noise, that the speaker currently had a direct neighbor who was currently operating an unauthorized auto repair facility on his residential property. With respect to hazardous run-off, he indicated that power washing was necessary, but primarily to remove dirt from returned equipment.

Staff indicated that it had received no prior public comment on the case.

Upon hearing all of the above, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property and after considering the facts and the testimony presented at the public hearing on this request, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a retail/repair shop (Vail Equipment Rentals, LLC). The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following special conditions:

Special Conditions

1. A formal Development Plan and customary attendant analyses (e.g. drainage report) shall be submitted for review and approval prior to final permitting or use of the property for the proposed retail/repair/equipment rental business.
2. The new steel building and associated parking area shall be located in substantial conformance with that as shown on the concept plan submitted with this conditional use permit application. Access to the business is allowed only from Wilmot Road.
3. Normal hours of operation are limited to 7:00 AM to 5:00 PM, Monday through Friday, and from 7:00 AM to 1:00 PM on Saturdays.
4. Summer hours of operation (from June through August inclusive), shall allow for a 6:00 AM opening time, Monday through Saturday.
5. All maintenance involving the draining or filling of oils and engine fluids, or the use of cleaning solutions, shall be conducted on a concrete floor and will be properly contained thereon so as to prevent run-off into soil areas.

REQUIRED STANDARDS AND FINDINGS

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

The Pima County Comprehensive Plan designates this site and the surrounding private properties as *Low Intensity Rural (LIR)*, the purpose of which is to provide designated areas for the provision of low-density residential or other compatible uses.

It is the Hearing Administrator’s finding that the proposed equipment rental business is an acceptable and compatible use, and one that is appropriate within the recently paved Wilmot Road corridor, if it is operated in accordance with the *Special Conditions* prescribed above. If so, it can be effectuated with minimal impact upon the surrounding property owners and is hereby found to not be in conflict with the *Comprehensive Plan*.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.

It is the Hearing Administrator’s position that the proposed conditional use, if conducted in conformance with the *Special Conditions* prescribed above, will satisfactorily safeguard the adjacent properties and the permitted uses of same.

3. It has adequate accessibility to the County road network.

The site has direct access to Wilmot Road, which is now a paved public street that has a direct linkage to Sahuarita Road. Both of these arterials are designated “major streets” on the Pima County Major Streets & Routes Plan. Access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Required parking shall be reviewed accordingly during the Development Plan process.

5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.

It is the Hearing Administrator’s finding that the new use poses no significant public threat in any of the above ways, including noise and dust, as long as the use is conducted in accordance with the *Special Conditions* enumerated above.

6. Hours of operation will not be detrimental to adjoining residents.

Hours of operation are addressed in the proposed *Special Conditions*.

7. Landscaping will be fully in conformance with zoning code regulations.

Designated landscape buffers shall be delineated on the required Development Plan.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

1. Important Riparian Areas — 95% undisturbed natural open space
2. Biological Core Management Areas — 80% undisturbed natural open space
3. Special Species Management Areas — 80% undisturbed natural open space
4. Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property is **OUTSIDE OF** the MMB-CLS.

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. The property has already been disturbed under its current residential use; no additional material impacts of significant resources will result from the operation of the equipment rental business.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within an area that has a high habitat potential. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having a medium habitat potential for the Western Burrowing Owl; it is not within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is located within a general area that is within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within a general area that is outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION:

The Department of Transportation and the Regional Flood Control District will further review the project as needed during the final permitting process.

attachments

cc: Carla Blackwell, Director, Development Services
Yves Khawam, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Juan Tellez, Owner and Applicant