



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

P19CU00008

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FOR BOARD OF SUPERVISORS AUGUST 6, 2019 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: June 3, 2019

DOCUMENT: P19CU00008

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Partners Land, LLC, represented by Jordan Davis, for a **Type II Conditional Use Permit for a contractor's yard** in the GR-1 (GZ-1) zone (Rural Residential – Gateway Overlay zone), on property located at **16473 & 16515 N. Oracle Road**. (District 1)

CASE BACKGROUND AND PARTICULARS

The applicant's request is to establish the permanent location of a contractor's yard for AAA Landscaping. This yard would provide a place for the storage of company vehicles, equipment, and supplies, as well as a secure area for employees to park their personal vehicles during the day while away at remote job sites. Landscaping and nursery materials would be stored at other AAA off-site locations. The subject property was previously cleared and fenced when it was used as a contractor base of operations, by the Arizona Department of Transportation (ADOT), in completing major roadway improvements to Oracle Road (State Route 89). As such, the site is already prepared for the proposed use by AAA Landscaping; no new impacts or disturbance are necessary nor intended. AAA plans to resurface the site with gravel for dust-control purposes, augmented the asphalt millings that were laid down by ADOT.

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 May 29, 2019. The applicant presented the case to the hearing administrator and answered his questions. No (0) members of the public attended the hearing.

Staff indicated that one (1) phone call had been received on this request, which could be described as informational. No email or written correspondence has been received

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 contractor’s yard. 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 conditions:

Special Conditions and Comments on Applicant’s Proposed Variance Request

This use is subject to Standard Zoning Code requirements per Sec. 18.12.030.B.15, or as may be modified by approval of a variance by the District 3 Board of Adjustment. Recognizing that the Hearing Administrator has no authority or standing in the granting of variances, this same Hearing Administrator expresses no objection to the applicant’s desire to reduce the normal Code-required setbacks on this property for the intended use. Given the site’s immediate surroundings and its agency to a major transportation artery, the proposed AAA Landscape contractor’s yard would co-exist satisfactorily with its surroundings if operated per the submitted concept plan; same utilizes precisely the same area of operation as was recently used by the Arizona Department of Transportation (ADOT) during its own contractor activities.

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 this proposed contractor’s yard.
2. The submitted Development Plan shall be substantially consistent with the submitted concept plan accompanying this conditional use permit application.
3. No new or additional site area shall be cleared or impacted beyond that which has already been so by the past ADOT construction-yard activities.
4. The Hearing Administrator opposes asphalt paving of the property, preferring that it be surfaced for dust-control purposes with gravel or a suitable alternative material. Same shall be reflected on the submitted Development Plan, subject to acceptance by PCDOT.
5. Any desired expansion or the proposed use on this property or an adjacent property, or any new site impact beyond that which already exists from past ADOT activities, shall required a new conditional use permit application, public hearing, etc.

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 surrounding area as *Multi-functional Corridor (MFC)*, the purpose of which is to provide designated areas for the integrated development of complementary uses along major transportation corridors. The *MFC* designation serves a purpose similar to that of Pima Prosper *Community Activity Centers (CAC’s)*. The western portion of the subject property is designated as *Resource Sensitive (RS)* due to an adjacent major wash corridor that lies mostly on State Land, but this portion of the subject site is not being disturbed with this proposal.

It is the Hearing Administrator’s finding that the proposed construction yard is an acceptable and compatible use along the major Oracle Road transportation corridor. It is already populated with numerous high-intensity businesses featuring outdoor sales, drive-thru restaurants, etc. In addition, the entire subject site has already been cleared and used previously by the Arizona Department of Transportation (ADOT) as its base of operations for the major roadway improvements it recently completed on Oracle Road (designated State Route 89). For all of these reasons, the Hearing Administrator finds that the proposed use 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 Oracle Road, which is a designated “major street” on the Pima County Major Streets & Routes Plan, as well a designated as State Route 89 by the Arizona Department of Transportation. 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.**

Limiting the hours of operation is not necessary. The nature of this use dictates primarily daytime operation.

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 majority of the property lies **OUTSIDE OF** the MMB-CLS and this is the only portion of it that is utilized for the proposed contractor’s yard. The far west portion of the site falls within the CLS *Important Riparian Area (IRA)* category, but this area is being left undisturbed.

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 by the Arizona Department of Transportation (ADOT) as a contractor base of operations for ADOT’s recent improvements to Oracle Road; no new impacts of any significant resources will result from the operation of the proposed contractor’s yard.

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 was not designated as former critical habitat and is not part of draft recovery area. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is not located within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is located within a general area that is outside of the known range for the Pima Pineapple cactus. It is not 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
Dan Ice, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Jordan Davis, Applicant
Partners Land, LLC, Owner