



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ramon Valadez, Supervisor, District # 2

FROM: Arlan Colton, Planning Director *mc*

DATE: April 24, 2013

SUBJECT: Co9-09-05 BEAUFORT COMPANY LLC & NNK LLC – CRAYCROFT ROAD REZONING

The above referenced Modification of Rezoning Conditions (Substantial Change) is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 7, 2013** hearing.

REQUEST: The applicant requests to modify the north and eastern portion of the preliminary development plan which depicts a motel and restaurant development to allow for a truck dealership.

OWNER: Beaufort Company, LLC & NNK, LLC
7114 E. Stetson Drive, Suite 400
Scottsdale, AZ 85251-3252
(Parcel 140-37-067B)

AGENT: Freightliner of Arizona
Damon Cuzick
4340 East Tennessee Street
Tucson, AZ 85714

DISTRICT: 2

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: Staff received a petition signed by nine neighbors in support of the request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

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

CP/TT/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-09-05

Page 1 of 5

FOR MAY 07, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan Colton, Planning Director *[Signature]*
Public Works-Development Services Department-Planning Division

DATE: April 24, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

MODIFICATION OF REZONING CONDITIONS (SUBSTANTIAL CHANGE)

Co9-09-05 BEAUFORT COMPANY LLC & NNK LLC – CRAYCROFT ROAD REZONING

Request of Beaufort Company LLC and NNK LLC, represented by Freightliner of Arizona, for a **modification (substantial change)** of rezoning condition #'s 16, 21, and 25 to allow for a Truck Dealership. Condition #16 requires adherence to the preliminary development plan as approved at public hearing. The applicant requests to modify the north and eastern portion of the plan which depicts a motel/restaurant development to allow for a truck dealership. Condition #21 requires a six foot high decorative masonry wall to be placed in the bufferyard along the northern and eastern property lines and condition #25 requires the north and east side wall to be painted with a graffiti resistant painting. The applicant proposes to build a wrought iron fence along the eastern property boundary. The subject property is zoned CB-2 (General Business Zone) and located approximately 275 feet east of Craycroft Road, south of Elvira Road and approximately 340 feet north of Interstate 10. On motion, the Planning and Zoning Commission voted 8 – 0; (Commissioners Cook and Smith were not present) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.

(District 2)

Planning and Zoning Commission Hearing Summary (March 27, 2013)

Staff presented the staff report to the commission. Staff stated that the request was to modify rezoning conditions #16, #21, & #25. Condition #16 requires adherence to the preliminary development plan as approved at the original rezoning public hearing. The applicant requests to modify the northern and eastern portion of the plan which depicts a motel/restaurant development to allow a plan for a truck dealership including display, parts sales, and service. Condition #21 requires a six-foot high decorative masonry wall to be placed in the bufferyard along the northern and eastern property lines. The applicant proposes to leave the required wall along the northern boundary and to build a wrought iron fence along the eastern property boundary. Condition #25 requires the north and east side walls to be painted with a graffiti resistant paint. The applicant is proposing to install a wrought iron fence along the eastern property boundary.

Staff stated their recommendation of approval subject to the modified standard and special conditions. Staff noted that the applicant formulated a neighborhood outreach program to the adjacent 300 feet of the Littleton Subdivision to the north and the Corazon Del Pueblo Subdivision to the east resulting in one public meeting in which ten neighbors attended. Nine of the ten neighbors signed a petition of support for the project. Staff supports this request because the truck dealership use is suitable for this location and appears to have less impact than the previously approved motel uses that typically operate 24 hours a day. The motel use would bring many transient visitors and vehicular traffic into the neighborhood at all hours of the day and night. Conversely, vehicular traffic would be somewhat limited by the proposed truck dealership, not only because of the use, but also because the dealership will not be operating 24 hours a day. The applicant is proposing operating hours from 7 a.m. to midnight for the parts sales and service. The applicant noted that the sales and service department will maintain evening hours, mostly for the sales and delivery of parts. The hours of operation should help to keep noise from patrons, vehicles, and deliveries to less-disturbing hours of the day.

A commissioner asked whether the proposed use and hours of operation were specified as a recommended condition. Staff explained that the preliminary development plan depicts the allowable uses of the site and condition #16 requires adherence to such. Staff added that the commission may add a condition related to the hours of operation.

Staff clarified that since the rezoning, many of the existing conditions were a result of the negotiations with the mostly undeveloped subdivision to the east. More recently, the subdivision has continued to grow and this current proposal represents how the end user (Freightliner) and the neighbors can actively work together.

A commissioner asked whether the applicant for the modification was the same as in the original rezoning. Staff clarified that the property owner is the same, but the end user has changed to Freightliner.

The applicant presented the project to the Planning and Zoning Commission and stated that the biggest change would be the relocation and modification of the required wall adjacent to the Corazon del Pueblo subdivision to the east. The current approval requires a wall to be located 30 feet from the eastern boundary of the property with a 30-foot bufferyard. There is an existing wall located on the east property boundary built by the subdivision. A maintained landscape bufferyard built in between two walls could create an unsafe area and attract unsavory activity. Freightliner's plan to install an eight-foot wrought iron fence along the eastern property boundary with the 30-foot bufferyard on the inside will eliminate the creation of a 30-foot "no man's land" and allow Freightliner to properly monitor and maintain the area. The applicant presented renderings of the eight-foot high straight wrought iron fence with concrete masonry columns and the 6-foot masonry wall with two-foot wrought iron on top in the areas adjacent to Corazon del Pueblo that do not have a wall. The applicant explained that the main building would be approximately 58,000 square feet for the sales/service/warehouse. The remaining proposed buildings are place holders and do not have an end user as of yet. There will be some truck display on site.

A commissioner asked whether a truck dealership and service center is normally open until midnight. The applicant responded that larger facilities are open 24 hours a day, 7 days a week. The applicant explained that after 8 pm at night, typically the parts sales area will be in operation. The parts and service areas will be facing the Pilot Travel Center and not towards the neighbors.

A commissioner asked whether service of trucks would be taking place at 11 pm and discussed the concern regarding the operating hours because of the adjacent neighborhood. The applicant clarified that a truck may need to be repaired at 11 pm at night on an emergency basis. The applicant further stated that this site is across the street from the Triple T Truck Stop and that the Pilot Travel Center will be in operation 24 hours a day.

A commissioner asked whether the construction of the site was underway. The applicant responded that the Pilot Travel Center (not Freightliner) is currently under construction.

A commissioner asked what the onsite parking will look like and whether or not there is overnight parking. The applicant responded that trucks may or may not have a trailer. If a truck has a trailer, the trailer would be dropped into the trailer parking spaces and go into the truck repair area. There is no overnight parking of trucks or overnight accommodations. The site will be secured after hours.

A speaker from the audience stated that she believes this is a very good use of the property because many of the loads that trucks carry are time sensitive and it is important to have a repair facility.

A commissioner commented that the neighborhood was very concerned about the original rezoning but the concern seems to no longer exist. Staff reiterated that many of the original issues and negotiations occurred because the Corazon del Pueblo subdivision was mostly undeveloped at the time of the rezoning.

The applicant explained that the neighborhood understands what the use will be and seems appreciative that the use will not be as intense as the motel use.

The public hearing was closed.

It was moved and seconded to **APPROVE** the modification of the rezoning conditions as recommended by staff with the modification of condition #21 as presented by the applicant, deleting the requirement for the eastern fence to be pointed at the top and curved inward.

7. Transportation conditions:

~~B. Burcham Street should not connect to Elvira Street and should end in a cul-de-sac, if possible.~~ Complete the construction of Travel Center Way with the initial development of the site.

~~D. The required~~An updated Traffic Impact Study shall be submitted to both Pima County and Arizona Department of Transportation for their review and approval. Offsite improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.

8. Flood Control conditions:

G. A drainage report shall be submitted at the time of development which determines the feasibility and identifies responsibilities for of any changes to the approved Development Plan (P1212-036). Any changes including but not limited to the replacement of open channels with underground drains along Elvira Road, shall require the approval of PCRCD and PCDOT.

H. The developer shall submit an In-lieu fee (ILF) mitigation proposal that addresses the entire amount of Pima County Regulated Riparian Habitat disturbance within Rezoning Co9-09-05 Beaufort Company Rezoning and Development Plan P12012-036) with the first submittal of the development plan for the Freightliner Modification site.

16. Adherence to the 2013 revised preliminary development plan, as approved at public hearing.

21. A six-foot high decorative masonry wall shall be placed in the bufferyard along the northern property line and a minimum six foot high wrought iron fence wall shall be placed on the eastern property lines. ~~The wall in the eastern bufferyard shall be topped by a three foot high wrought iron fence, pointed at the top and curved inward toward the rezoning site.~~

25. The east side wrought iron fence ~~of the bufferyard wall~~ near Corazon del Pueblo and the north side of the bufferyard wall facing Littleton shall be painted with graffiti resistant paint.
26. The ~~bufferyard~~ respective fence and walls along the east and north boundaries shall be constructed concurrently with the construction of the onsite roadway and main drainageway, including ~~and the grading near these~~ fence and walls. A plan for ~~the~~ these fence and walls showing the location of all openings and demonstrating how said openings will be secured and explaining how only authorized personnel will have access to said openings will be prepared and presented to the Corazon del Pueblo Homeowners Association prior to the construction of these fence and walls.

The motion **PASSED** (8 – 0; Commissioners Smith and Cook were not present).

CP/TT/ar
Attachments

c: Beaufort Company, LLC & NNK, LLC, 7114 E. Stetson Drive, Suite 400
Scottsdale, AZ 85251-3252, (Parcel 140-37-067B)
Freightliner of Arizona, Damon Cuzick, 4340 East Tennessee Street
Tucson, AZ 85714
Chris Poirier, Assistant Planning Director
Co9-09-05 File

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

HEARING March 27, 2013

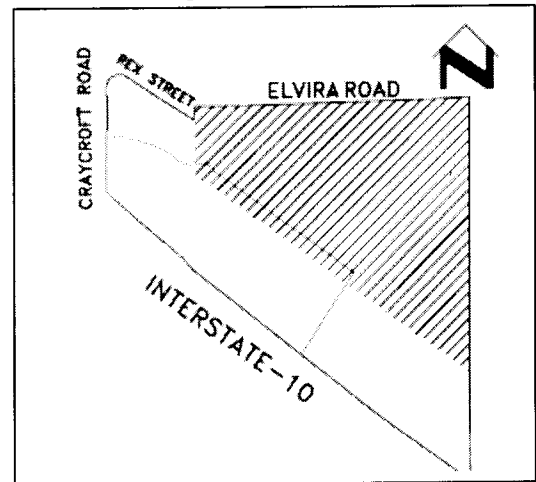
DISTRICT 2

CASES Co9-09-05 Beaufort Company LLC & NNK LLC - Craycroft Road
Rezoning

REQUEST Modification of Rezoning Conditions-Substantial Change (Approximately
13.27 acres)

OWNER Beaufort Company, LLC & NNK, LLC
7114 E. Stetson Drive
Scottsdale, AZ 85251-3252
(Parcel 140-37-068D)

AGENT Freightliner of Arizona
Damon Cuzick
4340 East Tennessee
Tucson, AZ 85714



APPLICANT'S REQUEST

Modification (substantial change) of the following rezoning conditions:

- #16 which requires adherence to the preliminary development plan as approved at public hearing. The applicant requests to modify the northern and eastern portion of the plan which depicts a motel/restaurant development to allow a plan for a truck dealership.
- #21 which requires a six-foot-high decorative masonry wall to be placed in the bufferyard along the northern and eastern property lines. The applicant proposes to leave the required wall along the northern boundary and to build a wrought iron fence along the eastern property boundary.
- #25 which requires the north and east side walls to be painted with a graffiti resistant paint. The applicant is proposing to install a wrought iron fence along the eastern property boundary.

COMPREHENSIVE PLAN DESIGNATION

The subject property is designated within the Comprehensive Plan as a Multifunctional Corridor (MFC). The CB-2 zoning district is allowed within the MFC designation. The purpose of MFC is to designate areas for the integrated development of complementary uses along major transportation corridors.

The site is also within the Airport Growth Area.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-3	Single Family Residential Subdivision
South:	CB-2	Interstate Highway, Vacant beyond
East:	City of Tucson	Single Family Residential Subdivision
West:	CB-2	TTT Truck Stop

PUBLIC COMMENT

Staff has received no public comments to date.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the request to modify rezoning conditions #16, #21, and #25. In addition, staff recommends the minor changes to condition #7B, #7D, and #26 and the addition of conditions #8G and #8H by reason of the above requested modifications. The amended conditions are as follows:

7. Transportation conditions:

B. ~~Burcham Street should not connect to Elvira Street and should end in a cul-de-sac, if possible.~~ Complete the construction of Travel Center Way with the initial development of the site.

D. ~~The required~~An updated Traffic Impact Study shall be submitted to both Pima County and Arizona Department of Transportation for their review and approval. Offsite improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.

8. Flood Control conditions:

G. A drainage report shall be submitted at the time of development which determines the feasibility and identifies responsibilities for of any changes to the approved Development Plan (P1212-036). Any changes including but not limited to the replacement of open channels with underground drains along Elvira Road, shall require the approval of PCRFC and PCDOT.

H. The developer shall submit an In-lieu fee (ILF) mitigation proposal that addresses the entire amount of Pima County Regulated Riparian Habitat disturbance within Rezoning Co9-09-05 Beaufort Company Rezoning and Development Plan P12012-036) with the first submittal of the development plan for the Freightliner Modification site.

16. Adherence to the 2013 revised preliminary development plan, as approved at public hearing.

21. A six-foot high decorative masonry wall shall be placed in the bufferyard along the northern property line and a six-foot high wrought iron fence shall be placed on the eastern property lines. The wall fence in at the eastern property boundary bufferyard shall be ~~topped by a three-foot high wrought iron fence,~~ pointed at the top and curved inward toward the rezoning site.

25. The east side ~~wrought iron fence of the bufferyard wall~~ near Corazon del Pueblo and the north side of the bufferyard wall facing Littletown shall be painted with graffiti resistant paint.
26. The bufferyard respective fence and walls along the east and north boundaries shall be constructed concurrently with the construction of the onsite roadway and main drainageway, including and the grading near these fence and walls. A plan for these fence and walls showing the location of all openings and demonstrating how said openings will be secured and explaining how only authorized personnel will have access to said openings will be prepared and presented to the Corazon del Pueblo Homeowners Association prior to the construction of these fence and walls.

STAFF REPORT

A preliminary development plan (pdp) was submitted and approved by the Board of Supervisors on October 5, 2010 within the rezoning case Co9-09-05 that rezoned the subject property from CR-3 to CB-2. The preliminary development plan includes property rezoned to CB-2 under case Co9-64-79 for the southeast corner of Rex Stravenue and Craycroft Road and the convenience store and auto/truck fuel sales (Pilot Travel Center) generally south of the subject property. The original preliminary development plan depicted the uses of a restaurant, beauty shop, two hotels, a convenience store and auto/truck fuel sales. The applicant requests to amend the previously approved preliminary development plan from the hotel/beauty shop uses to allow a truck dealership. The truck dealership use requires the modification of condition #16 which requires adherence to the rezoning preliminary development plan. The proposal includes 120,278 square footage comprising of five buildings and three fueling canopies on *site*. The truck dealership will utilize 100,055 square feet of gross floor area for a truck sales/service/office, warehouse, fuel canopy, and two related equipment buildings to be developed in phases. The remaining, previously approved, 20,223 square feet of convenience store and auto/truck fuel sales is for the Pilot Travel Center building and two fueling canopies which is currently under construction.

Rezoning condition #21 requires a six-foot-high decorative masonry wall to be placed in the bufferyard along the northern and eastern property lines. The wall along the northern boundary will be built as proposed, but the applicant proposes to build a wrought iron fence along the eastern property boundary adjacent to the subdivision Corazon del Pueblo. There is an existing wall located on the property boundary built by the subdivision. The applicants request is to build the wrought iron fence along the eastern property boundary and place the 30-foot bufferyard on the inside. This will eliminate the 30-foot "no man's land" that would be created by the implementation of rezoning condition #21 as written. A maintained landscape bufferyard built in between two walls may create an unsafe area that would attract unsavory activity. The amendment to the rezoning condition would allow this area to be properly monitored and maintained by Freightliner. Condition #25 will be amended to allow a fence and a wall to be painted with a graffiti resistant paint.

The applicant states that Freightliner is concerned about being a good neighbor and as such, has conducted a neighborhood outreach program. Freightliner representatives met with the president of the Corazon del Pueblo Home Owners Association and sent out notice of the proposed new truck dealership to the Corazon del Pueblo neighborhood east of the subject property and to the southernmost 300 feet of the Littletown

neighborhood located north of the subject property. The notice also included an invitation to a neighborhood meeting January 9, 2013 held at the Littletown Community Center. The applicant reported that ten neighbors came to the meeting. Freightliner presented the proposal to the community and nine of the ten neighbors signed the attached petition in support of the proposal. The applicant states that there was no major opposition the change of use. The applicant believes that this use is a better fit for the neighborhood and the property than what is currently approved.

Staff supports this request. The truck dealership use is suitable for this location and appears to have less impact than the previously approved motel uses that typically operate 24 hours a day. The motel use would bring many transient visitors and vehicular traffic into the neighborhood all hours of the day and night while vehicular traffic would be somewhat limited by the proposed truck dealership, not only because of the use, but also because the dealership will not be operating 24 hours a day. Most likely, the site and neighborhood experience a significant amount of noise from the sources of I-10 to the south, railroad tracks to the north, and the truck stop to the west. While semi-trucks traversing the subject property may have the potential for greater noise and light trespass to adjacent residences, direct beams should mostly be contained by the required six foot high wall to the north and the existing wall to the east. The proposed bufferyards adjacent to the north and east should help to ameliorate the effects of the noise and light trespass into the adjacent residential neighborhoods. The applicant is proposing operating hours from 7 a.m. to midnight for the parts sales and service. Restricted hours of operation should help to keep noise from patrons, vehicles, and deliveries to less-disturbing hours of the day. The applicant stated that the sales and service department will maintain evening hours, but mostly for the sales and delivery of parts.

Rezoning Case History

The rezoning from CR-3 to CB-2 © (13.27acres) was conditionally approved on July 6, 2010. Rezoning Ordinance 2010-60 was adopted on October 5, 2010. The rezoning expiration date is July 6, 2015.

Concurrency

Concurrency was met within the original rezoning case. This request does not affect concurrency.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEMS CLASSIFICATION

The subject property lies outside the Maeveen Marie Behan Conservation Lands Systems.

TRANSPORTATION REPORT

This request will allow different uses and some changes in walls/fences on the remaining portion of the Preliminary Development Plan for the above rezoning. Although, the traffic generation of the proposed uses compared to those previously approved, appears to be much less intense (2,200 ADT versus 900 ADT), the additional traffic generation needs to be reviewed further with this development to assess improvements needed. The improvements for the intersections and roads need to be analyzed due to the complex nature of the area and the impacts of the entire Preliminary Development Plan, including the already approved truck travel center, convenience store with gas pumps and the drive thru fast food.

The remainder of the interior street needs to be dedicated as part of this development and there are adjacent and offsite improvements needed for the Preliminary Development Plan as a whole.

Staff recommends approval of this modification subject to the changes of rezoning conditions #7B and #7D as shown in staff's recommendation.

FLOOD CONTROL REPORT

Regional Flood Control District has reviewed this request and has the following comments and recommends the addition of rezoning conditions #8G and #8H.

1. Much of the parcel is FEMA Zone X indicating shallow sheet flooding. Furthermore outflows from an adjacent subdivision within the City of Tucson cross the site within the Rex Street and Elvira Road alignments, and along the eastern property boundary, and then cross Craycroft Road in a dip section. The applicant's engineer has met with District staff and based on preliminary information provided at that time agreed with the design approach. This approach consisted of an open channel which has since been approved as part of the Pilot Travel Center Development Plan (P1212-036). It includes road realignment and channel construction on the north along Elvira Road and Rex Street. The original site analysis had adequately described these improvements and a Development Plan (DP) and Maintenance CCR's have been approved as required by the original rezoning conditions. The District was prepared to authorize approval of the Certificate of Compliance.

2. The modification request indicates that an open channel is no longer desired. The approved PDP, Drainage Report and Development Plan include a drainage channel along the northern boundary of the site to be constructed prior to the issuance of a certificate of occupancy for the Pilot Travel Center. Freightliner, the modification proponent has stated their intent is to propose an underground drain instead on the north and a wrought iron fence and landscape area instead of the wall on the east. As no drainage information was submitted with the modification it is not possible at this time to determine if this new engineering design change is feasible and compliant with PCRFCDD requirements, including determining whether or not it creates upstream or downstream adverse impacts.

3. Downstream drainage infrastructure is inadequate.

4. Much of the site is within Pima County Regulated Riparian Habitat. The original rezoning conditions required mitigation for any disturbance of the regulated riparian habitat (RRH). During the development review process, the developer of Pilot Travel Center (P1212-036) modified the RRH limits and asked to defer mitigation for impacts to RRH until the second phase of development, at which time, the entire amount of disturbance would be mitigated using the in-lieu fee (ILF) option. As such, Freightliner shall submit an ILF mitigation proposal that addresses the entire amount of RRH disturbance with the first submittal of the development plan. Please note that all offsite mitigation options, including the ILF, require Pima County Board of Supervisors review and approval. In addition to off-site mitigation the applicant is encouraged to consider on-site water harvesting to support potential native plantings thereby reducing landscape maintenance costs and contributing to drainage management. Water Harvesting and other conservation measures will be addressed in the required Final Integrated Water Management Plan.

WASTEWATER RECLAMATION REPORT

Regional Wastewater Reclamation Department has reviewed this request and has no objection.

TUCSON CITY WATER REPORT

City of Tucson water has reviewed this request and has no comment.

CITY OF TUCSON PLANNING REPORT

The City of Tucson Planning Department has reviewed this request and has no objection to this request and recommends that no concrete masonry unit (CMU) segments be installed along the property boundary unless required by Pima County Building Safety and Site Development.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Terrill L. Fillman", is written over a horizontal line. The signature is fluid and cursive.

Terrill L. Fillman
Senior Planner

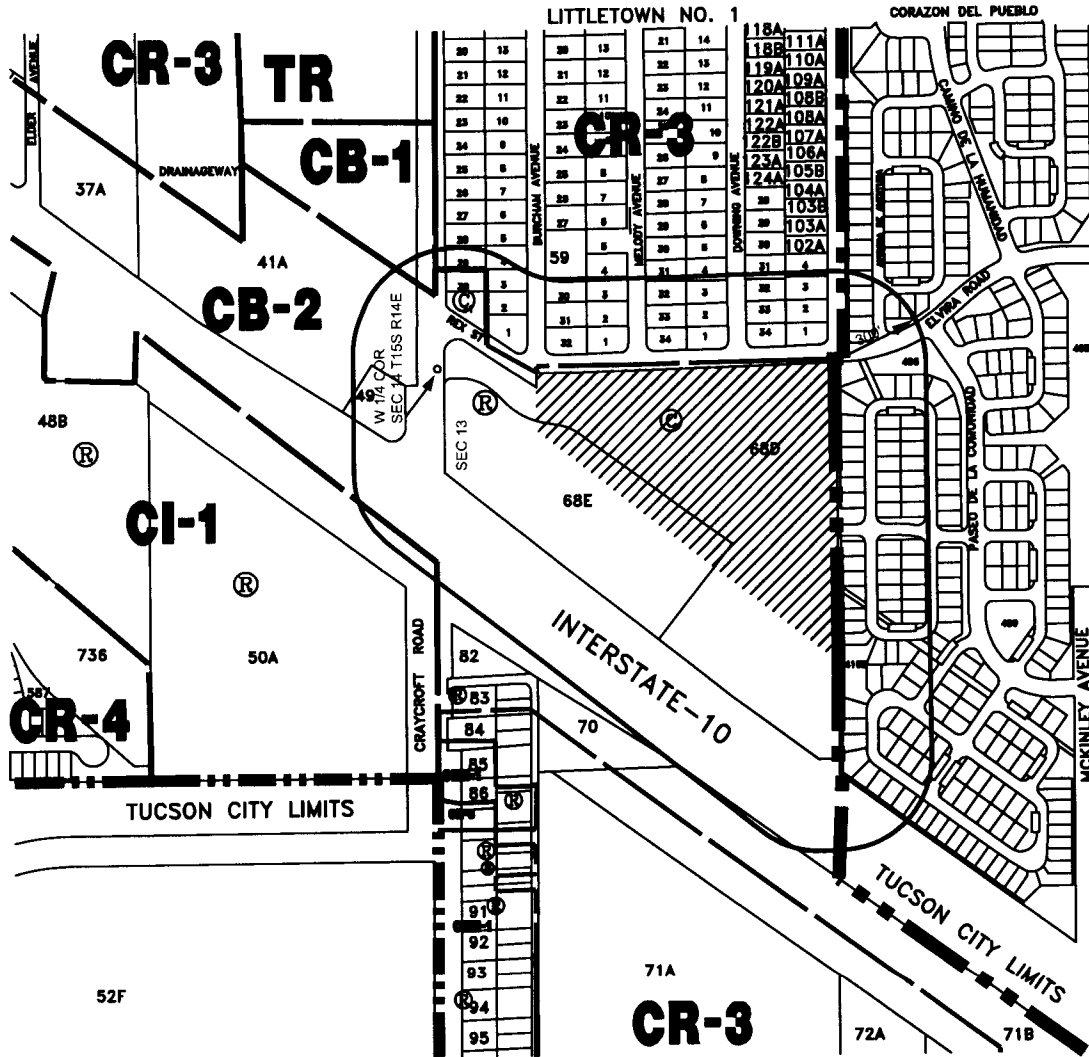
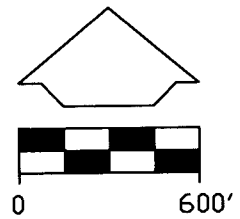
CP/TT


c: Beaufort Company, LLC & NNK, LLC
Freightliner of Arizona, Attn: Damon Cuzick




2012

Co9-09-05 BEAUFORT CO LLC & NNK LLC — CRAYCROFT ROAD REZONING
MODIFICATION OF REZONING CONDITIONS, SUBSTANTIAL CHANGE



Petition area 

Notification area 

BASE MAP 59

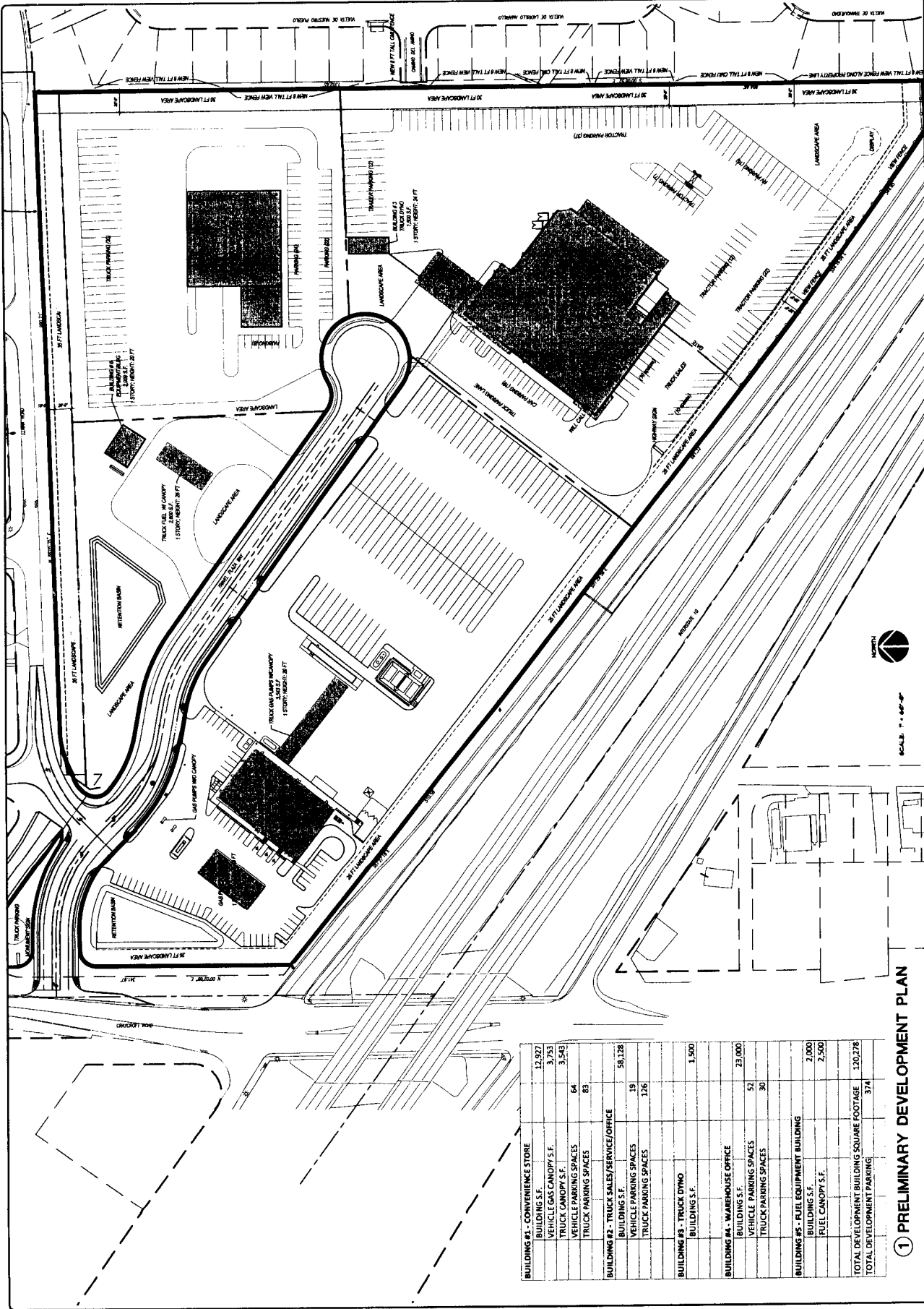
Notes SUBSTANTIAL CHANGE - MODIFICATION OF REZONING CONDITIONS

Tax codes PTN OF
140-37-068D

Date 02/26/13
Drafter DS

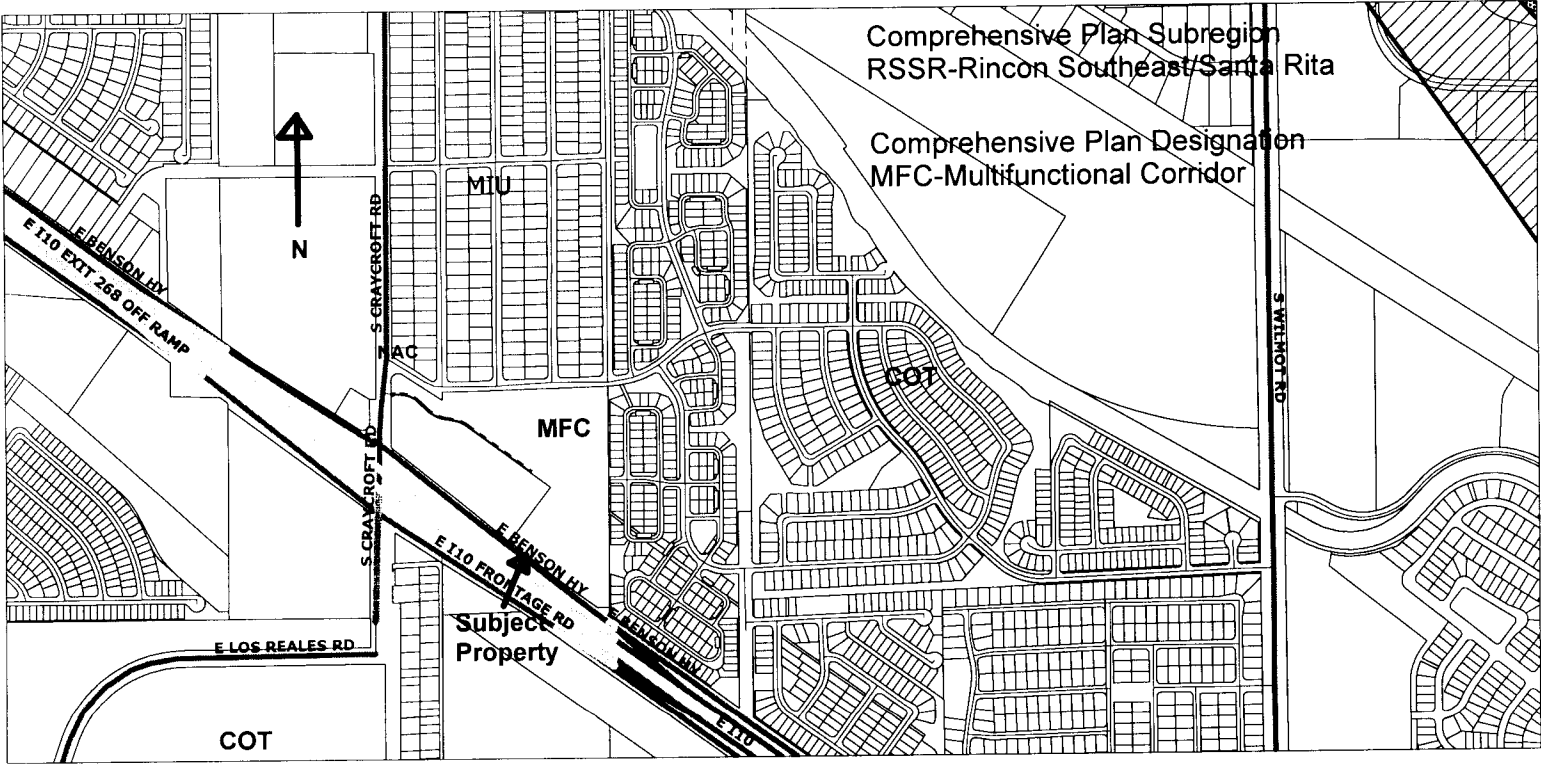
File no. C09-09-005
BEAUFORT CO LLC & NNK LLC
CRAYCROFT ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



BUILDING #1 - CONVENIENCE STORE	
BUILDING S.F.	12,927
VEHICLE GAS CANOPY S.F.	3,753
TRUCK CANOPY S.F.	3,543
VEHICLE PARKING SPACES	64
TRUCK PARKING SPACES	83
BUILDING #2 - TRUCK SALES/SERVICE/OFFICE	
BUILDING S.F.	58,128
VEHICLE PARKING SPACES	19
TRUCK PARKING SPACES	136
BUILDING #3 - TRUCK DYNO	
BUILDING S.F.	1,500
BUILDING #4 - WAREHOUSE OFFICE	
BUILDING S.F.	23,000
VEHICLE PARKING SPACES	52
TRUCK PARKING SPACES	30
BUILDING #5 - FUEL EQUIPMENT BUILDING	
BUILDING S.F.	2,000
FUEL CANOPY S.F.	2,500
TOTAL DEVELOPMENT BUILDING SQUARE FOOTAGE	120,276
TOTAL DEVELOPMENT PARKING	374

① PRELIMINARY DEVELOPMENT PLAN



4. **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



COMMERCIAL VEHICLE SALES AND SERVICE

February 18, 2013



Ms. Terri Tillman
Sr. Planner
Pima County Development Services
201 N. Stone Ave. 2nd Floor
Tucson, AZ 85701



RE: Substantial change for Preliminary Development Plan at I-10 and Craycroft Rd.



Ms. Tillman:



Please find the enclosed documentation for the above referenced project:

1. A check in the amount of \$3718.00 made payable to Pima County
2. Five copies of the updated Preliminary Development Plan
3. Letter of request.



DETROIT

I am still working on the Biological impact report and will get that to you soonest.



Please let me know if you have any questions or need anything further to schedule this for the March 27th Planning and Zoning commission meeting



Regards,



Damon Cuzick



Phoenix

9899 West Roosevelt Street
Tolleson, Arizona 85353
(623) 907-9900
fax: (623) 907-6401

Chandler

1230 South Akimel Drive
Chandler, Arizona 85226
(480) 282-4000
fax: (480) 282-4059

Flagstaff

4201 East Huntington Drive
Flagstaff, Arizona 86004
(928) 522-0400
fax: (928) 522-0072

Tucson

4340 East Tennessee Street
Tucson, Arizona 85714
(520) 514-5700
fax: (520) 514-5900

Freightliner of Arizona is proposing to build a new Freightliner Truck dealership just east of the Intersection of Interstate 10 and Craycroft Road. The dealership would sit on approximately 10 acres, and would be approximately 45,000 square feet. It would include retail sales of semi-trucks, RVs, fire trucks, commercial vehicle parts, as well as commercial vehicle maintenance and repair. This represents a change in use from what is currently approved on the property. However Freightliner believes, as is shown below, that this use is an improvement over that which is currently approved, and is supported heavily by the existing neighborhood.

Approved plan vs. Freightliner Plan

The uses which are currently approved for the property on which Freightliner wishes to build its' dealership are two four story hotels, and a sit down casual dining restaurant. Freightliner believes that its proposed use is a better fit for the neighborhood because it is less intrusive than the current use. The height of the freightliner building will only be approximately twenty six feet high. Four story hotels would greatly exceed that height. The Freightliner use is primarily normal business hours Monday thru Friday with reduced hours on Saturday, closed on Sunday. The current approved hotels have the probability of being twenty-four hour per day and the approved restaurant's busiest time would be evenings and weekends when the majority of the adjacent neighbors would be home. Additionally the proposed Freightliner will generate many fewer trips than the proposed uses. Freightliner estimates that it will generate 65 trips per day plus approximately 20-25 employees. This is significantly less than the trips that would be generated by a sit down casual dining restaurant and two hotels. Finally, the use is simply a good fit for the area. There is at the intersection an existing truck stop, and a second truck stop has already been approved and is in development. For these reasons, Freightliner believes that their proposed use is better than that which is currently approved.

In order to accommodate the change in use, Freightliner will have to modify the existing approved plan. Freightliner believes that all of the modifications proposed would be a betterment to that which is approved. Besides the obvious changes in building layout, Freightliner would move the eastern boundary wall all the way to the eastern property line instead of where it is currently shown thirty feet west of the eastern property line. Freightliner believes that the approved wall configuration would create a space that would become a "no-man's land" that would attract unsavory activity, and would become a collection point for garbage and debris. Freightliner would propose that this wall change from the currently approved six foot wall with 3 feet of wrought iron on top, to a six foot fence that is all wrought iron. The reason for the change is two-fold. First, Freightliner believes that a 9 foot fence would be too imposing, and an eyesore to the adjacent residential neighborhood. Second, even

pushing the fence all the way to the eastern property line, there will still be a gap of approximately one foot to five feet between the property line fence and the fence of the residential neighborhood. By making the fence on the Freightliner property wrought iron, it will allow Freightliner to monitor that small area, ensuring that it does not become a collection point for garbage and debris. The other major modification to the plan would be the way in which water run-off from the residential neighborhood to the north traverses the property. Currently the plan is to create a shallow ditch on the north end of the property that would run the entire length of the property. This seems both dangerous, and unsightly. Freightliner would propose eliminating the ditch, and instead installing underground pipes to accommodate the runoff from the neighborhood. This is a much more attractive solution for the property and the surrounding neighborhood, and would reduce the risk of any potential accidents. Additionally, Freightliner has made an effort to put in landscape buffers with abundant trees between the property and the adjacent neighborhood, and made an effort to keep the landscape areas as large as possible and substantially in compliance with what is currently approved.

Neighborhood outreach program

In order to be a good neighbor, and in order make sure that all concerned parties were fully aware of any proposed changes, Freightliner created and executed a neighborhood outreach program. First Freightliner met with the president of the Corazon del Pueblo Home Owners Association, to get his reaction to the new plan, and to garner any initial feedback that he might think that the neighborhood would have. Next, at his suggestion, Freightliner sent out a notice to the entire Corazon del Pueblo neighborhood and the southernmost 300 feet of the Littleton neighborhood informing them that Freightliner was proposing to build a new dealership on the subject property. The notice also invited them to a neighborhood meeting to show the plan for the dealership. On January 9th at 6:00 PM Freightliner held the meeting at the Littleton Community Center. Ten neighbors came to the meeting. After showing the plan for the property, and the changes in use, there was no major opposition. Freightliner asked the neighbors to sign a petition showing that they supported the use, and the change to the existing approved plan. Nine of the ten neighbors that came to the meeting signed the petition showing support. Copies of the signed petition, as well as the sign in sheet are included in this information package.

Freightliner believes that its proposed use is a better fit for the neighborhood and the property than what is currently approved. Furthermore they believe that with the overwhelming support received from the neighborhood that there will be no opposition to the use. Freightliner of Arizona hereby requests that this change to the Preliminary Development Plan be approved.

**Biological Impact Report
For
Freightliner at
Craycroft & I-10**

NE#13003

(Original Report NE#80046 dated May 2009)

**Prepared by:
Novak Environmental, Inc.**

February 25, 2013

**Biological Impact Report
Freightliner at
Craycroft & I-10
NE#13003**

Prepared for:

**Freightliner of Arizona
9899 W. Roosevelt
Tolleson, AZ 85353**

Prepared by:

**Novak Environmental, Inc.
4574 N. 1st Avenue
Tucson, Arizona 85718
(520) 206-0591**

**For questions regarding this report
please contact: Karen Cesare, RLA
karen@novakenvironmental.com**



BIOLOGICAL IMPACT REPORT
February 2013

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I. INTRODUCTION

This Biological Impact Report is an update of a report prepared in 2009 for a 20.37 acre site (parcel number 140-37-0680) near Interstate-10 and Craycroft Road. Since 2009 a 13.95 acre portion of the site was rezoned to CB-2, to match the zoning of the remainder of the original parcel as well as the surrounding parcels. The site was then split into two parcels, one of which is approximately 17 acres. The 17 acre parcel, 140-37-068D, is the subject of a request to modify some of the rezoning conditions. This updated report is part of that request process.

The property is located in the northeast quarter of Section 13, T15S, R14E, G & SRM, Pima County, Arizona.

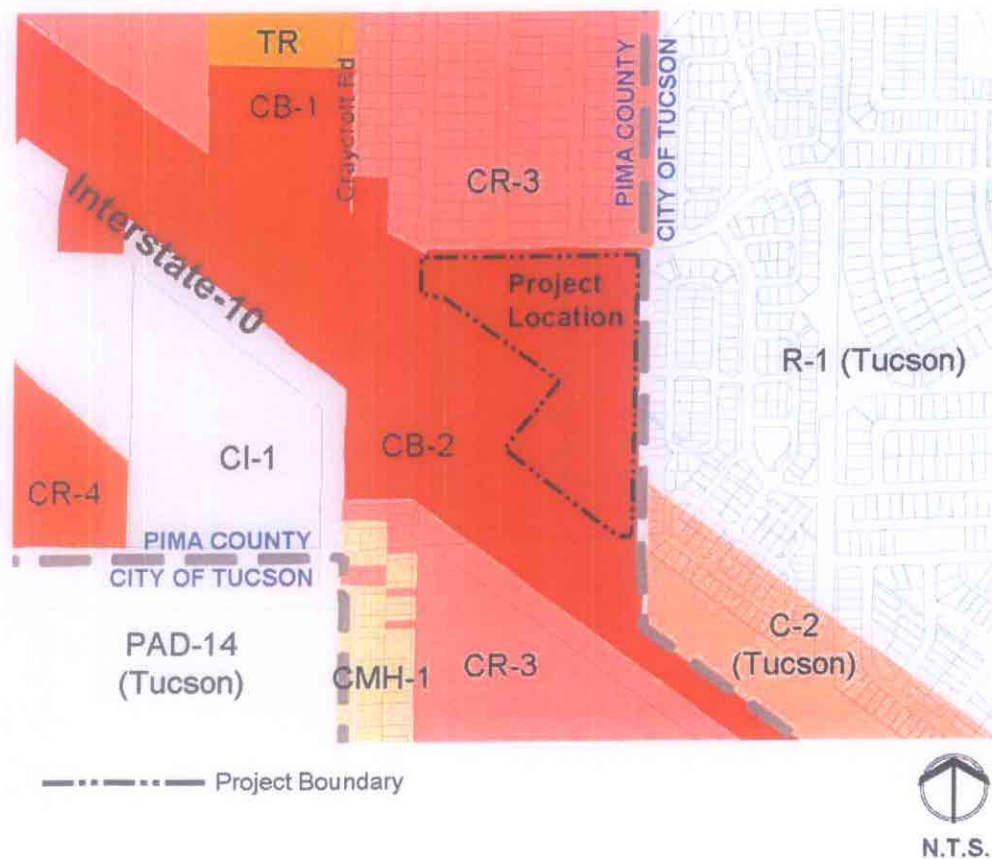


Figure 1. Location and Zoning Map

This update to Required Biological Impact Report will present responses, as they pertain to this project site, to all questions set forth in the Pima County Development Services Biological Impact Report Guidelines, April 2003.

II. LANDSCAPE RESOURCES

1. Identify whether the proposed project site occurs within any Conservation Lands System (CLS) category or contains any portion of an Important Riparian Area or any wash with a discharge of 250 cubic feet per second or greater.

Per Pima County's online MapGuide, the project site contains a portion of Xeroriparian C. However, this site is neither occurs within Conservation Land System (CLS) category nor contains any portion of an Important Riparian Area.

There is a wash with a discharge of 446 cubic feet per second on this site according to the survey.

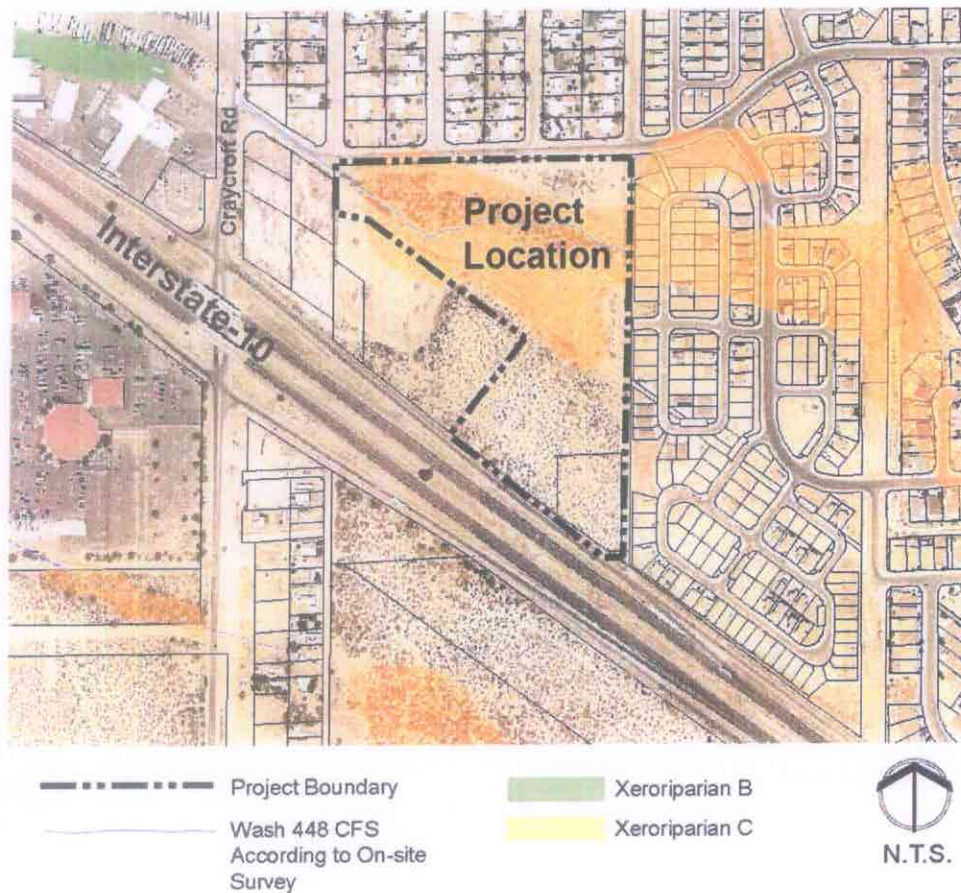


Figure 2. MapGuide - CLS category & Washes

2. For each CLS category identified in the response to Question No. 1, explain how the proposed project accomplishes the associated level of conservation per the Comprehensive Plan.

In general, the key method for conservation per the Comprehensive Plan is to avoid any disturbances to areas with a CLS category. Per Pima County's online MapGuide maps, this project site is not within any Conservation Land System category and does not contain any portion of an Important Riparian Area (see Figure 2).

3. Identify any Special Elements that may occur on or in the immediate vicinity of the project site. Explain the nature of any impacts to these resources and any mitigation measures taken to reduce these impacts.

According to the Sonoran Desert Conservation Plan MapGuide, Palo Verde/ Mixed Cacti and Sonoran Riparian Scrub are the Special Elements that occur on or in the immediate vicinity of this site. The site is sparsely vegetated and some portions have been previously disturbed or completely graded. Any development for this project will comply with the requirements of Pima County Native Plant Preservation and Mitigation Ordinance and the Riparian Habitat Ordinance (see Figure 3).

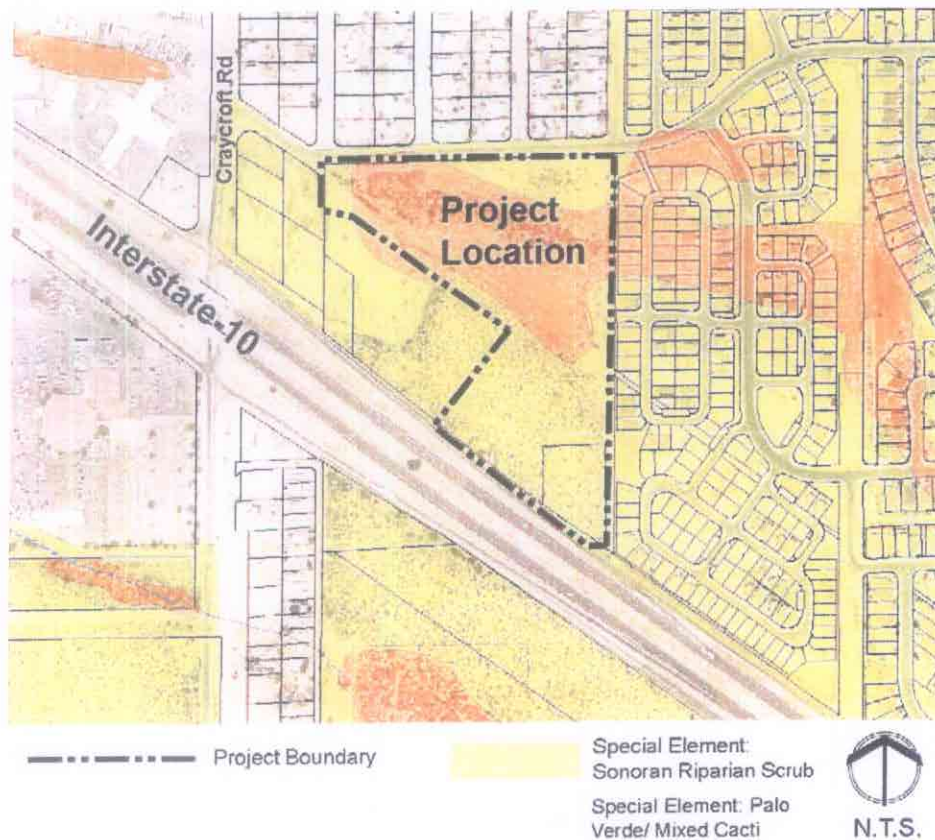


Figure 3: Special Elements on site

4. Identify whether the proposed project occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages.

The proposed project site does not occur in the vicinity of any of the six Critical Landscape Linkages.

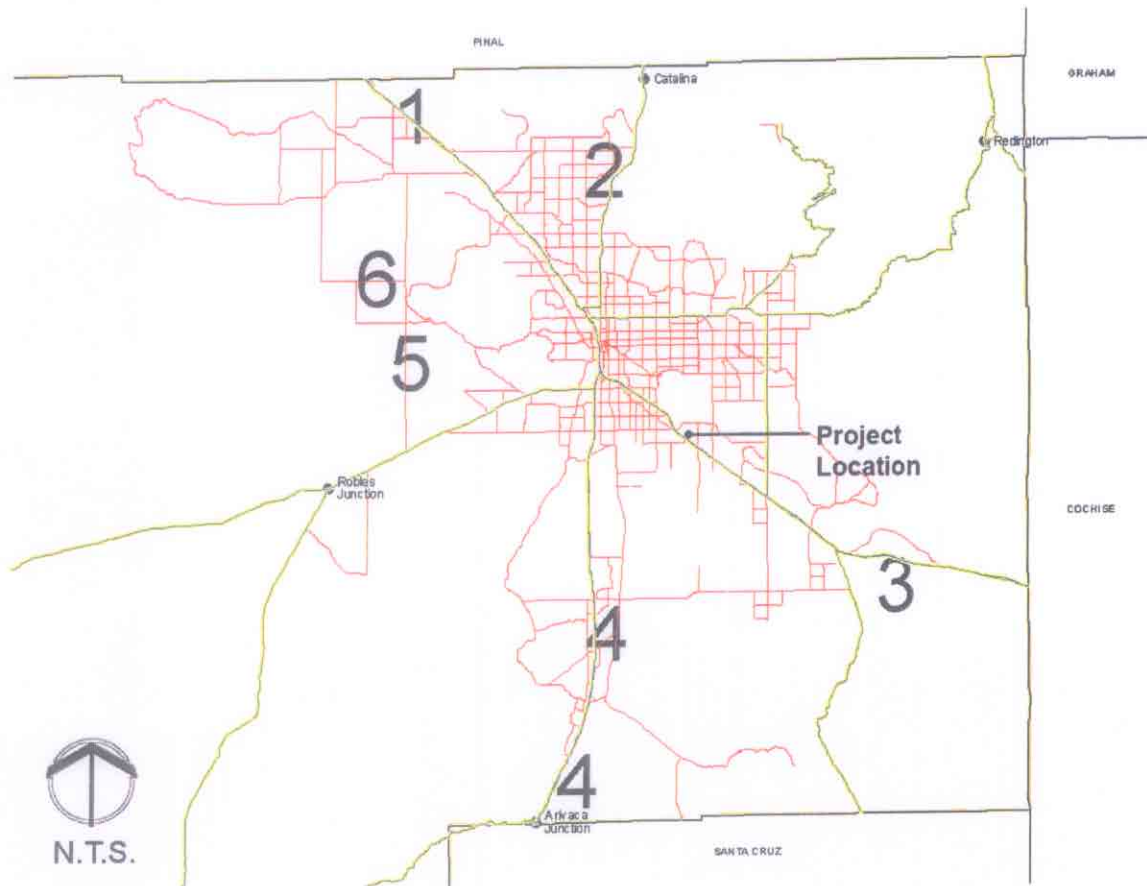


Figure 4. Critical Landscape Linkages

2. In 2002, the U.S. Fish and Wildlife Service proposed Critical Habitat and Draft Recovery Areas for the cactus ferruginous pygmy-owl. Does the proposed project site occur in an area identified as Proposed Critical Habitat (11/27/02) or Draft Recovery Areas for the cactus ferruginous pygmy-owl? Please specify which area(s) the proposed project site occurs in.

The project site does NOT occur within areas identified as Proposed Critical Habitat or Draft Recovery Area for the cactus ferruginous pygmy-owl.

3. Has the proposed project site been surveyed for pygmy-owls?

a. If yes, disclose the dates when surveys were done and provide a summary of the results.

Pygmy-owl surveys have not been performed.

b. If no, are surveys planned in the future?

No surveys are planned at this time.

4. If your proposed project occurs within Survey Zone 1, Proposed Critical Habitat, or a Draft Recovery Area, please explain how your project design conserves resources important to the cactus ferruginous pygmy-owl's nesting habitat and dispersal activities.

The project site is within Survey Zone 2.

Pima Pineapple Cactus

1. Does the proposed project site occur within Modeled Potential Habitat for the Pima pineapple cactus?

Per Pima County's MapGuide, the Modeled Potential Habitat for Pima pineapple cactus is rated medium and low for the proposed project site. (see Figure 5).

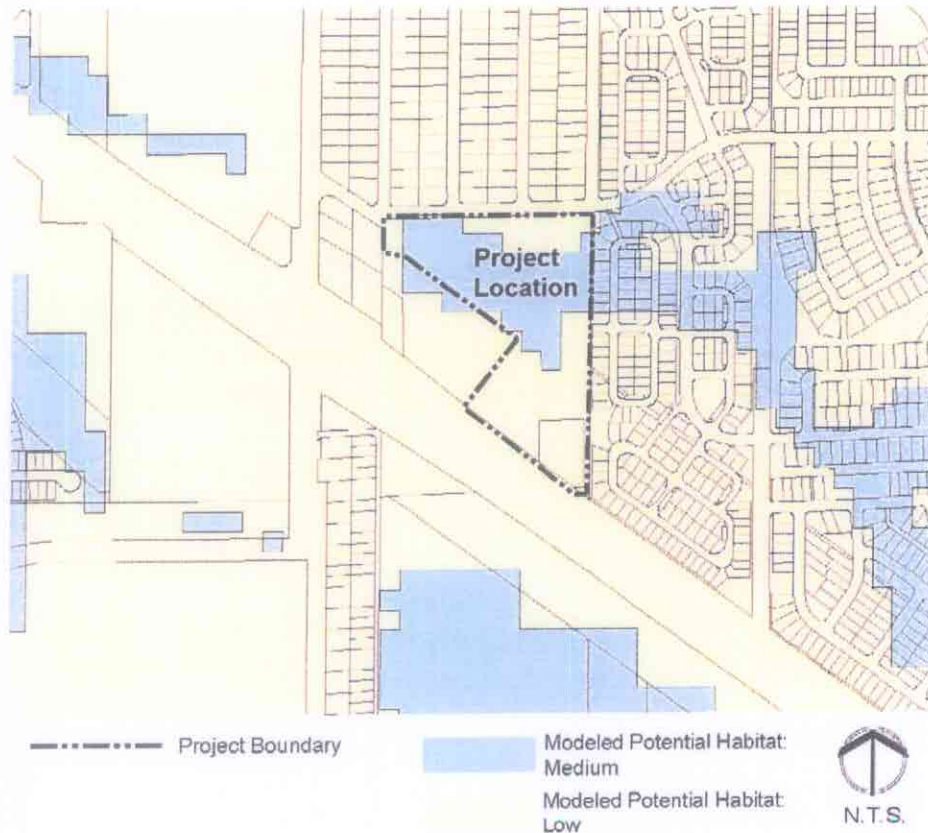


Figure 6. Modeled Potential Habitat for the Pima Pineapple Cactus

2. Have Pima Pineapple Cactus been found on the proposed project site?

No Pima pineapple cacti surveys have been done for this site.

3. Has the proposed project site been surveyed for Pima pineapple cactus?

a. If yes, disclose the date when surveys were done and provide a summary of the results.

The project site has not been surveyed for Pima pineapple cactus per Federal protocol. The entire site has been surveyed for native vegetation for the County's NPPO using NE, Inc. standard field survey methods. No Pima pineapple cacti were found.

b. If no, are surveys planned in the future?

No surveys for Pima pineapple cactus are planned at this time.

IV. SUMMARY

This Biological Impact Report is an update for the approximately 17 acre parcel 140-37-068D zoned CB-2.

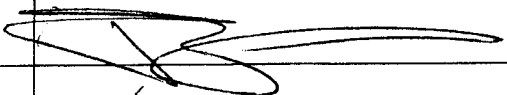
This document presents responses to all questions set forth in the Pima County Development Services Biological Impact Report Guidelines, April 2003. In general the site is sparsely vegetated with some open or previously cleared areas. It does not contain any portion of an Important Riparian Area. The findings of this report indicate that the proposed development will NOT result in any significant biological impacts. Development for this project will comply with Pima County Native Plant Preservation and Mitigation Ordinance.

ATTENTION NEIGHBORS

Freightliner of Arizona is proposing to build a new Freightliner truck dealership on the northeast corner of I-10 and Craycroft Road. A meeting is being held on WEDNESDAY JANUARY 9th at 6:00 PM at the Littletown Community Center, 6465 S. Craycroft Rd. Tucson, AZ 85706. We will discuss the development and changes that will need to be made to the existing approved site plan in order to accommodate the new use. All are invited to attend. For additional information please contact Damon Cuzick at 623-907-9900 or dc@fswaz.com.



I support Freightliner of Arizona and the changes to the approved development plan that they propose to make at the intersection of Craycroft and I- 10.

Name	Signature
PETE SWIRTANSKI	Pete Swirtanski
Josh "J.J." Swinney	
Karen Mihaylo	Karen E Mihaylo
Amanda Copeland	Amd Copeland
PEGGY Dominguez	Peggy B Dominguez
MARGIE Rico	Margie Rico
Evangelina Valenzuela	Evangelina Valenzuela
Priscilla Martinez	Priscilla Martinez
Robt. L. Mays	Robt. L. Mays

Freightliner
Homeowner's Meeting 1-9-13

NAME	ADDRESS	PHONE #	E-MAIL
1 Teresa Pemberton	5702 E Vuelta De la Villa Amarillo	336-8394	pemberton.teresa28@aol.com
2 Amanda Copeland	6089 S. Ave Carmen Cita		
3 Rene + Dee Swartz	6841 S. Downing Ave	574-9436	
4 Karen Mihaylo	3683 S. Downing Ave Tucson	400-0367	
5 Abt. Marys	7874 S. Burkhead Ave Tucson	574-1877	
6 Josh Swaney	5798 E Camino De Azucar	495-8282	Swinn3y5@gmail.com
7 Donna Dominguez	8451 E. Geraldine Rd	631-2202	pdomingu@att.com
8 Barbara Barba	5734 E Vuelta De la Villa Amarillo	858-9528	
9 Angelika Hernandez	5718 E Vuelta De la Villa Amarillo Tucson		
10 Cayle Johns & Cort Ammon	6619 S Avenida del Arroyo	520-237-5531	Caylejohns@earthlink.net
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F. ANN RODRIGU RECORDER
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PAGE: 4286
NO. OF PAGES: 9
SEQUENCE: 20101960816
 10/12/2010
ORDIN 18:00

PICKUP
AMOUNT PAID \$ 0.00

ORDINANCE 2010- 60

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PORTION OF 140-37-068A) OF APPROXIMATELY 13.27 ACRES FROM CR-3 (SINGLE RESIDENCE) TO CB-2(GENERAL BUSINESS), IN CASE CO9-09-05 BEAUFORT COMPANY LLC AND NNK LLC - CRAYCROFT ROAD REZONING; LOCATED SOUTH OF ELVIRA ROAD, APPROXIMATELY 275 FEET EAST OF CRAYCROFT ROAD, AND APPROXIMATELY 340 FEET NORTH OF THE I-10 FRONTAGE ROAD; AMENDING PIMA COUNTY ZONING MAP NUMBER 59.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The approximate 13.27 acres, south of Elvira Road, approximately 275 feet east of Craycroft Road, and approximately 340 feet north of the I-10 Frontage Road, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map Number 59 is hereby rezoned from CR-3 (Single Residence) to CB-2(General Business).

Section 2. Rezoning Conditions

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.

2010-12-10 18:00

9

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Appropriate dedications and/or abandonments shall be provided by the property owner/developer for the realignment of internal and adjacent streets and drainageways.
 - B. Burcham Street should not connect to Elvira Street and should end in a cul-de-sac, if possible.
 - C. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all of its requirements shall be submitted to the Development Services Department prior to approval of a development plan, subdivision plat, or plat waiver.
 - D. The required Traffic Impact Study shall be submitted to both Pima County and to the Arizona Department of Transportation for their review and approval. Offsite improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.
8. Flood Control conditions:
 - A. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - B. The property owner(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - C. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District and the City of Tucson. This includes upstream improvement within the City of Tucson to collect water into the proposed new channel to be constructed with the existing Rex Road alignment and potential improvement to Craycroft Road downstream of the project site.
 - D. A riparian mitigation plan shall be required for development in designated riparian areas.
 - E. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.
 - F. The applicant shall enter into a development agreement, with Pima County and the Flood Control District, which identifies responsibilities and funding for upstream improvements within the City of Tucson to collect water into the proposed new channel to be constructed with the existing Rex Road alignment and potential improvement to Craycroft Road downstream of the project site. The agreement will also identify an implementation schedule of these improvements.
9. A current letter of intent to serve from a water service provider (Tucson Water) shall be required as part of any subsequent actions.

10. The applicant shall submit a water conservation plan in conjunction with the subdivision plat, plat waiver, or development plan approval process, whichever occurs first. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval. The plan shall include indoor and outdoor conservation measures. Low Impact Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
11. Environmental Quality condition:
Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
12. Wastewater Management conditions:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have 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 Pima County Regional Wastewater Reclamation Department.
 - C. The owner/developer 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/developer 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The owner/developer 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, sewer construction plan or request for building permit.

13. Cultural Resources condition:
A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
14. Environmental Planning condition:
Upon the effective date of the Ordinance, 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 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.
15. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Employ water harvesting techniques with roadway design and grading. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. The water harvesting plan shall be approved by Development Services and shall be part of the water conservation plan approved by the Flood Control District.
 - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by the CC&R's.
16. Adherence to the preliminary development plan (EXHIBIT B), as approved at public hearing.
17. The subject property shall be developed as a part of the development shown on the preliminary development plan (PDP) and shall include the lots south and west of the subject property as shown on the PDP.
18. The Rezoning Conditions shall apply to all parcels shown on the PDP and the owners shall record covenants for each lot they own that is part of the PDP stating that all conditions approved for this rezoning shall be met for any development on the lot.
19. 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.

20. The property owner 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)."
21. A six-foot high decorative masonry wall shall be placed in the bufferyard along the northern and eastern property lines. The wall in the eastern bufferyard shall be topped by a three foot high wrought iron fence, pointed at the top and curved inward toward the rezoning site.
22. There shall be no direct pedestrian connection infrastructure constructed from the development site to the Corazon del Pueblo subdivision.
23. The southeast corner of the development site as shown on the PDP as open space shall not contain vehicular parking and shall be landscaped open space.
24. A sign shall be installed near the truck fueling station parking spaces which would restrict overnight parking and idling times.
25. The east side of the bufferyard wall near Corazon del Pueblo and the north side of the bufferyard wall facing Littletown shall be painted with graffiti resistant paint.
26. The bufferyard walls along the east and north boundaries shall be constructed concurrently with the construction of the onsite roadway and main drainageway and the grading near these walls. A plan for those walls showing the location of all openings and demonstrating how said openings will be secured and explaining how only authorized personnel will have access to said openings will be prepared and presented to the Corazon del Pueblo Homeowners Association prior to the construction of these walls.
27. In addition to complying with all requirements of the Pima County Outdoor Lighting Code which specifically addresses Light Trespass in Section 401.3.1. an overall lighting plan shall be prepared and submitted to Pima County during the Development Plan process, with a copy submitted to the Corazon del Pueblo Homeowners Association, which will quantitatively demonstrate compliance with the goal of avoidance of light trespass into the Corazon del Pueblo subdivision. Said plan shall include the prescription of house-side shielding proximate to the Corazon del Pueblo subdivision as may be required per Section 401.3.2.
28. The restaurant project shall provide information, consistent with that on Page 11 of the Pima County Commercial Design Manual, to the Pima County Building Codes Section at the time of building plan review in regards to potential obnoxious odors and to the extent determined to be necessary by the Building Codes Section the building plans shall incorporate the necessary mitigation measures, including but not limited to exhaust scrubbers.

29. The owners agree to enclose the 30-foot utility corridor, which lies along the east boundary, by building a wall or fence, as approved by the applicable utility companies, along both Elvira Street and the I-10 Frontage Road across said 30 feet, provided that 1) the owners obtain clear title to this 30-foot utility corridor, 2) the owners obtain consent from all utility companies which may have an interest in this utility corridor, and 3) the owners obtain consent from the Corazon del Pueblo Homeowners Association and any affected individual lot owner within that subdivision to build said wall or fence over their land and to tie into an existing wall within Corazon del Pueblo, when requested. Should all provisions be met said wall or fence shall contain a gate for access by the owner and by all affected utility companies.
30. The Traffic Impact Study, to be prepared during the Development Plan process, will include the evaluation of traffic conditions at the intersection of Elvira Road and the new internal public street, which will serve as the primary access to this project. A copy of this Traffic Impact Study will be provided to the Corazon del Pueblo Homeowners Association. The Traffic Impact Study shall be updated when the project has reached 70% build out to determine if the traffic control system needs to be modified. Changes, if necessary, will be implemented in concurrence with the Pima County Department of Transportation.

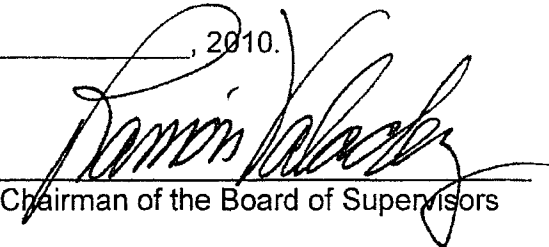
Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 30 shall be completed by July 6, 2015.
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 30 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.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

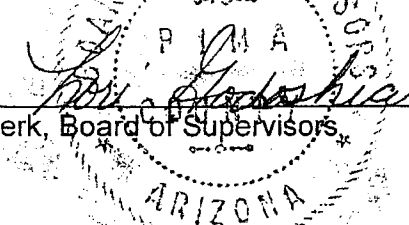
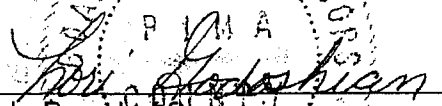
Passed and adopted by the Board of Supervisors of Pima County, Arizona,

this 5 day of October, 2010.


Chairman of the Board of Supervisors

OCT 05 2010

ATTEST



Clerk, Board of Supervisors

APPROVED AS TO FORM:


Deputy County Attorney
ANDREW FLAGG


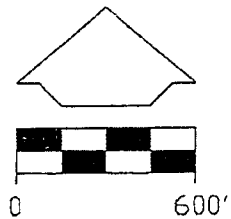
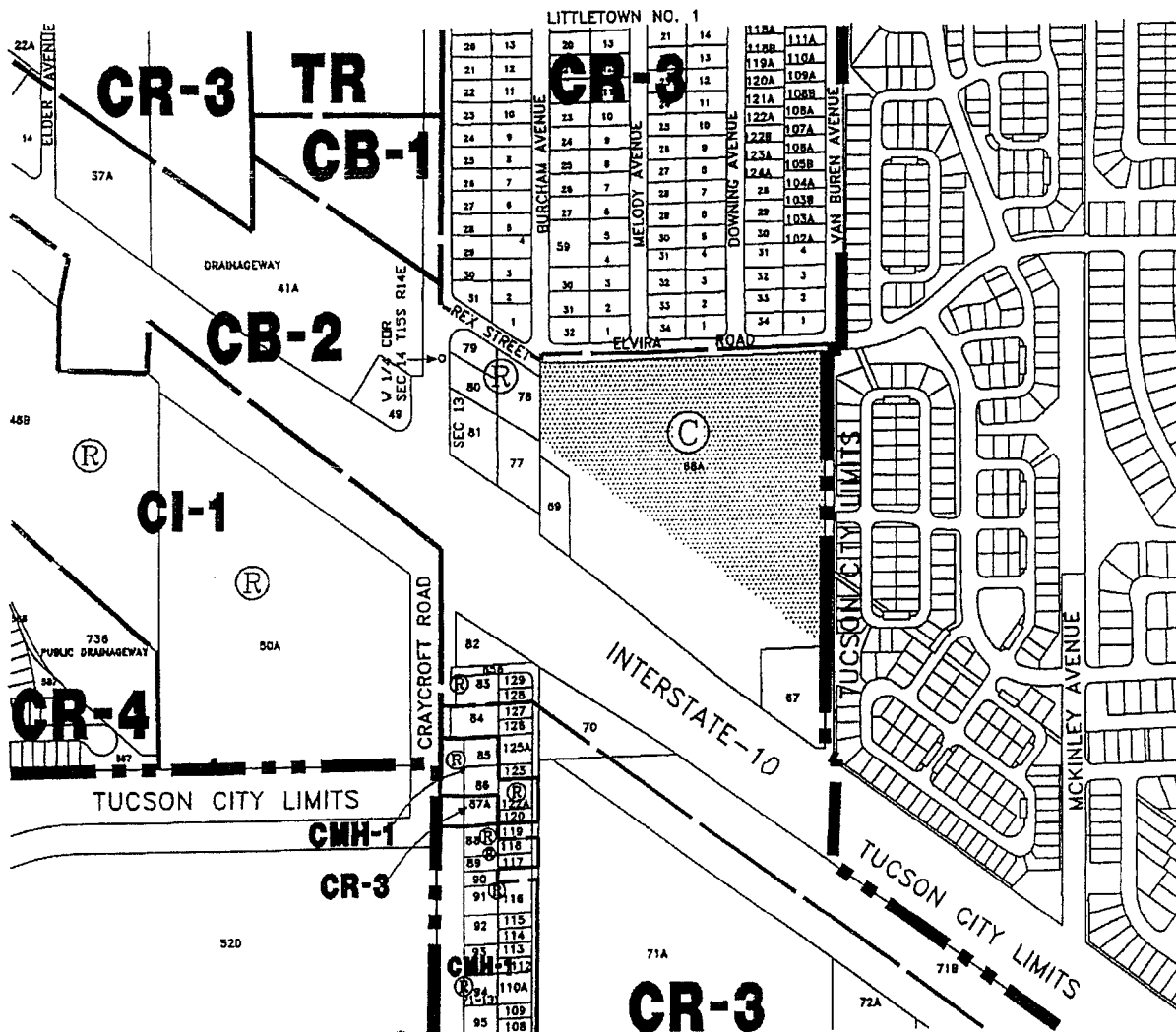

Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 36 BY ORDINANCE NO. 2010-60
TO PIMA COUNTY ZONING MAP NO. 59 TUCSON, AZ.
PORTION OF PARCEL 68A BEING A PART OF THE NW 1/4 OF
THE SW 1/4 OF SEC. 13, T15S R14E.



ADOPTED OCTOBER 5, 2010 EFFECTIVE OCTOBER 5, 2010



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CR-3 13.27 ac±
ds-AUGUST 27, 2010

CD9-09-05
CD7-02-16
CD7-00-20
PTN OF 140-37-068A

KEYNOTES:

- 1 NEW PUBLIC ROAD
- 2 CONVENIENCE STORE (2,000[±], MAX HT=20')
- 3 DRIVE-THRU LANE
- 4 16 GAS PUMPS FOR PASSENGER VEHICLES
- 5 8 TRUCK FUEL PUMP STATIONS
- 6 SIT-DOWN RESTAURANT (15,120[±], MAX HT=20')
- 7 RV PARKING
- 8 HOTEL #1 (35,000[±], MAX HT=35')
- 9 HOTEL #2 (35,000[±], MAX HT=35')
- 10 UTILITY CORRIDOR
- 11 BUFFERYARD

KEYNOTES: (Cont.)

- 12 40' DRAINAGEWAY
- 13 DETENTION BASIN
- 14 RIGHT-OF-WAY DEDICATION
- 15 EXISTING 15' AT&T EASEMENT
- 16 DRAINAGEWAY MAINTENANCE ACCESS & PARKING
- 17 INTERNAL LANDSCAPED AREA
- 18 PEDESTRIAN PATH
- 19 PEDESTRIAN CROSSING
- 20 30' SCENIC ROUTE SETBACK
- 21 BEAUTY SHOP (11,500[±], MAX HT=14')

MAP No II-B.15 PRELIMINARY DEVELOPMENT PLAN

Revised per P+Z recommendations Approved at BOS 7/6/10