



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** 07/07/2015

**Title:** Co9-96-09 4-D PROPERTIES - LAVERGNE THOMPSON WHOLESALE, L.L.C. – LITTLETOWN ROAD REZONING

### **Introduction/Background:**

On April 15, 2014, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension for an 8.75 acre portion of the 17.5 acre rezoning subject to modified standard and special conditions.

### **Discussion:**

This resolution reflects the Board of Supervisor's approval of the rezoning time extension and modified conditions.

### **Conclusion:**

The rezoning time limit and conditions contained in Ordinance No. 1996-81, as amended by Resolution 2011-198, may be modified by resolution.

### **Recommendation:**

Staff recommends that the Board of Supervisors approve this resolution.

### **Fiscal Impact:**

0

### **Board of Supervisor District:**

☐ 1      ☐ 2      ☐ 3      ☒ 4      ☐ 5      ☐ All

Department: Development Services - Planning

Telephone: 724-9000

Department Director Signature/Date:

*C. Malt* 6/17/2015

Deputy County Administrator Signature/Date:

*W. Kussner for John Bernal* 6/23/15

County Administrator Signature/Date:

*C. Danielberry* 6/23/15



**Subject: Co9-96-09**

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**FOR JULY 7, 2015 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Arlan M. Colton, Planning Director  
Public Works-Development Services Department-Planning Division  
**DATE:** June 15, 2015

**RESOLUTION FOR ADOPTION**

**Co9-96-09**     **4-D PROPERTIES - LAVERGNE THOMPSON WHOLESALE, L.L.C.-**  
**LITTLETOWN ROAD REZONING**  
Owners: Clay & Jeanie Gilbert and Greg & Pamela Etchart  
(District 4)

**If approved, adopt RESOLUTION NO. 2015 - \_\_\_\_\_**

**OWNERS:**                      Clay & Jeanie Gilbert                      Greg & Pamela Etchart  
8241 E. 20<sup>th</sup>    10300 E. Placita Guanajuato  
Tucson, AZ 85710    Tucson, AZ 85749

**AGENT:**                      JAS Engineering  
Attn: Jeff Stanley  
P.O. Box 1888  
Tucson, AZ 85702

**DISTRICT:**                      1

**STAFF CONTACT:**                      Artemio Hoyos

CP/AH/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-96-09 File

RESOLUTION 2015-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-96-09 4-D PROPERTIES LAVERGNE THOMPSON WHOLESALE, L.L.C. – LITTLETOWN ROAD REZONING; LOCATED ON LITTLETOWN ROAD, APPROXIMATELY ONE HALF (1/2) MILE EAST OF WILMOT ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 1996-81 AS AMENDED BY RESOLUTION 2011-198.**

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

1. On July 27, 1996, in rezoning case Co9-96-09, the Pima County Board of Supervisors approved the rezoning of approximately 17.5 acres located on Littletown Road, approximately one half (1/2) mile east of Wilmot Road, as shown on Exhibit A from SR (Suburban Ranch) to CI-2 (General Industrial), subject to standard and special conditions.
2. On September 17, 1996, the Pima County Board of Supervisors adopted rezoning Ordinance No. 1996-81 rezoning the approximate 17.5 acres described in rezoning case Co9-96-09 and memorializing the standard and special conditions.
3. On April 28, 2011, the owner(s) of the rezoning site applied for a five-year extension for an 8.75 acre portion of a 17.5 acre rezoning of the time limit set forth in Section 3 of Ordinance No. 1996-81.
4. On July 12, 2011, the Board of Supervisors denied closure of the rezoning and approved a time extension to September 17, 2013 for approximately 8.75 acres (shown as cross-hatched on Exhibit B) subject to modified standard and special conditions;
5. On February 3, 2014, the owners of the rezoning site applied for a five-year extension for an 8.75 acre portion of a 17.5 acre rezoning of the time limit set forth in Section 3 of Ordinance No. 1996-81, as amended by Resolution No. 2011-198;
6. On April 15, 2014, the Pima County Board of Supervisors denied closure of the rezoning and approved the five-year time extension for approximately 8.75 acres (shown as cross-hatched on Exhibit B) subject to modified standard and special conditions;
7. Section 3 of Ordinance No. 1996-81 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 1996-81, as amended by Resolution 2011-198, are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. Transportation condition conditions:  
~~An area consisting of the southern 200 feet of the subject property shall be reserved from development by a recorded covenant, running with the land, for a period of five years. In this instance, development means the construction of any permanent structure as defined in Pima County Code. Use of the reserved area for storage of parking shall be allowed. Any materials within the reserved area shall be removed at no cost to Pima County if any or all of the reserved area becomes public right-of-way. The construction of a chip seal pavement over appropriate sub-grade material will be allowed within the reserved area and private access easement to provide access to the subject property until such time that the Valencia Road re-located decision is made or the five year reserve period expires. In the event that alignment Alternative II is selected for the relocation of Valencia Road within the five year reserved period, the property owner(s) shall dedicate to Pima County up to 75 feet of property adjacent to the south property line of the subject property at no cost except for the replacement costs of the existing well and ancillary equipment. In addition the property owner(s) would be under no further obligation to improve the access road. If Alternate II is not selected for the relocation of Valencia Road, or if the five year reserve period expires before a selection is made, the owner(s) of the property shall construct permanent access improvements within the reserved area and private access easements according to Pima County standards.~~
  - A. One Plat or Development Plan shall be completed for the entire rezoning.
  - B. The property owner shall provide onsite and offsite improvements determined necessary by Department of Transportation.
  - C. The property owner shall provide for turnarounds at terminus of internal access streets/driveways.
  - D. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County prior to the approval of the final plat.
7. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

- B. All internal drainage improvement required to mitigate drainage impacts cause by the proposed development shall be constructed at no cost to the District.
  - ~~C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as state in the Floodplain Management Ordinance, since the property lies within a balanced basin.~~
  - C. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
8. Wastewater Management condition:  
~~The property owner/developer or his agent must secure approval from the Pima County Department of Environmental Quality to use on-site individual sewage disposal systems within the proposed rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.~~
9. Environmental Quality conditions:  
~~Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day. Any further development will need to be reviewed during the development plan process to insure that the sewage disposal density limit is not exceeded. At the time when development exceeds the sewage disposal density limited then the property will be required to connect to the sewer.~~
- A. It must be documented that the total discharge of nitrogen into ground water is controlled, pursuant to Arizona Administrative Code, Title 18, Chapter 9 (R18-9-E323 4.23), prior to the construction and/or continued use of either of the following:
    - 1. An on-site wastewater treatment facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day; or,
    - 2. two or more on-site wastewater treatment facilities on a property, or adjacent properties under common ownership, with a combined design flow from 3000 gallons per day to less than 24,000 gallons per day;
  - B. The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.
10. Cultural Resources conditions:  
~~Prior to ground modification activities, an on the ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.~~
- A. All work must be within the area shown on the proposed project map in the submitted development plan.
  - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws.

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 ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. 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.

- ~~11. Concurrent with tentative plat or development plan submittal, a plant preservation/mitigation study and plan shall be prepared by an independent horticulturalist or other qualified professional and submitted to the Planning Division for review and approval. The developer shall preserve in place, relocated or mitigate significant on-site cacti and trees as recommended by the preservation plan, including but not limited to: Threatened or endangered plant species, plants on the Arizona Protected Plants List, areas of riparian vegetation, or significant wildlife habitat and corridors.~~
- ~~12.11.~~ Building heights are limited to 25 feet.
- ~~13.12.~~ Adherence to the preliminary development plan as approved at public hearing (EXHIBIT C).
- ~~14.13.~~ Uses are restricted to CI-1 uses, machine or welding shop with ancillary uses, automobile repair and storage, junk, salvage, auto wrecking, impoundment storage, used materials or automobile recycling in accordance with Section 18.53.030.H (including the need for authorization by the board of adjustment for expansion such uses).
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 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(I)."

Section 2. Section 3 of Ordinance No. 1996-81, as amended by Resolution 2011-198, is amended and the time limit extended as follows:

1. Conditions 1 through 15 shall be completed by September 17, 2013 2018.
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 15 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.

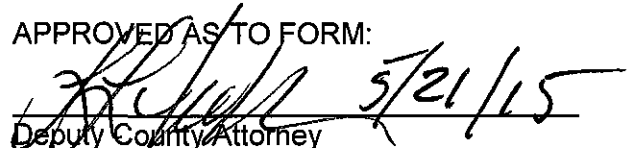
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

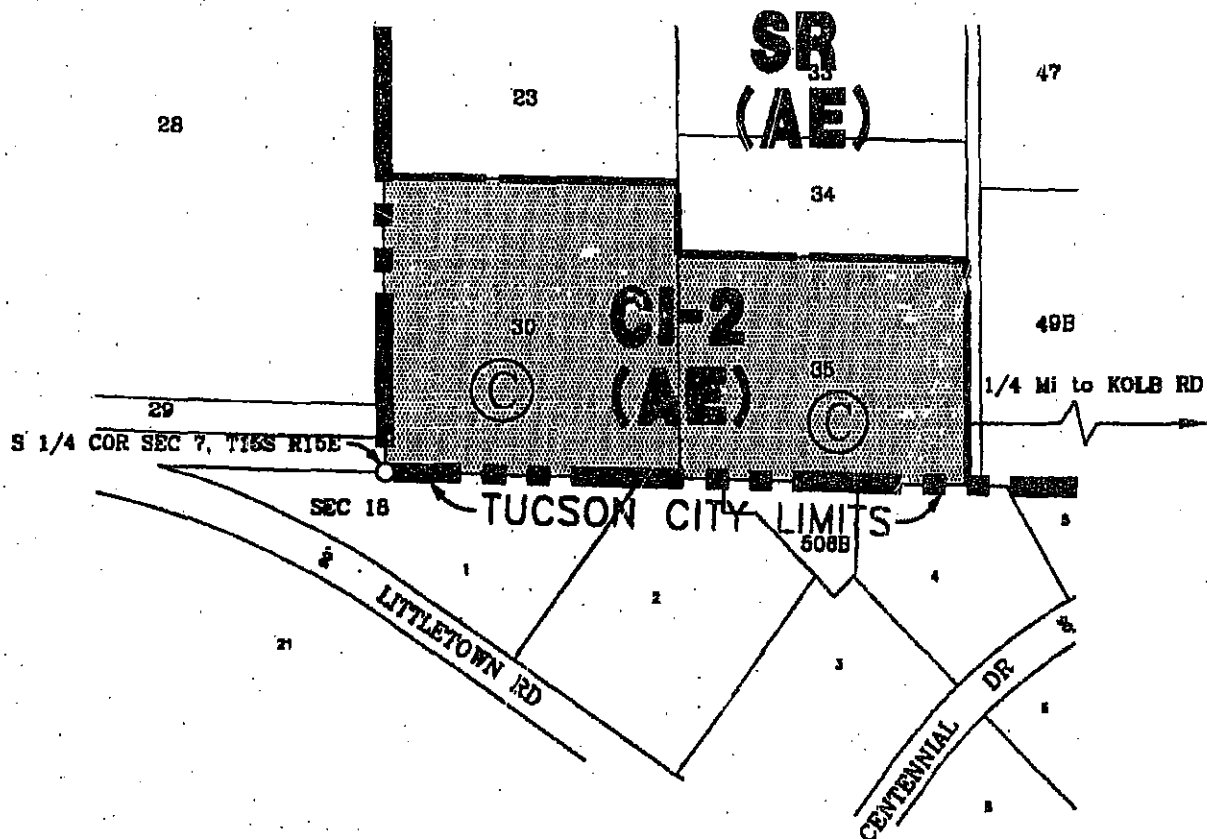
# EXHIBIT A

AMENDMENT NO. 16 BY ORDINANCE NO. 1996-81  
TO PIMA COUNTY ZONING MAP NO. 58 TUCSON, AZ.  
PARCELS 30 AND 35 BEING A PART OF THE SW 1/4  
OF THE SE 1/4 OF SEC 7, T15S R15E.

ADOPTED 9-17-96 EFFECTIVE 9-17-96



0 400'



*[Signature]*  
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

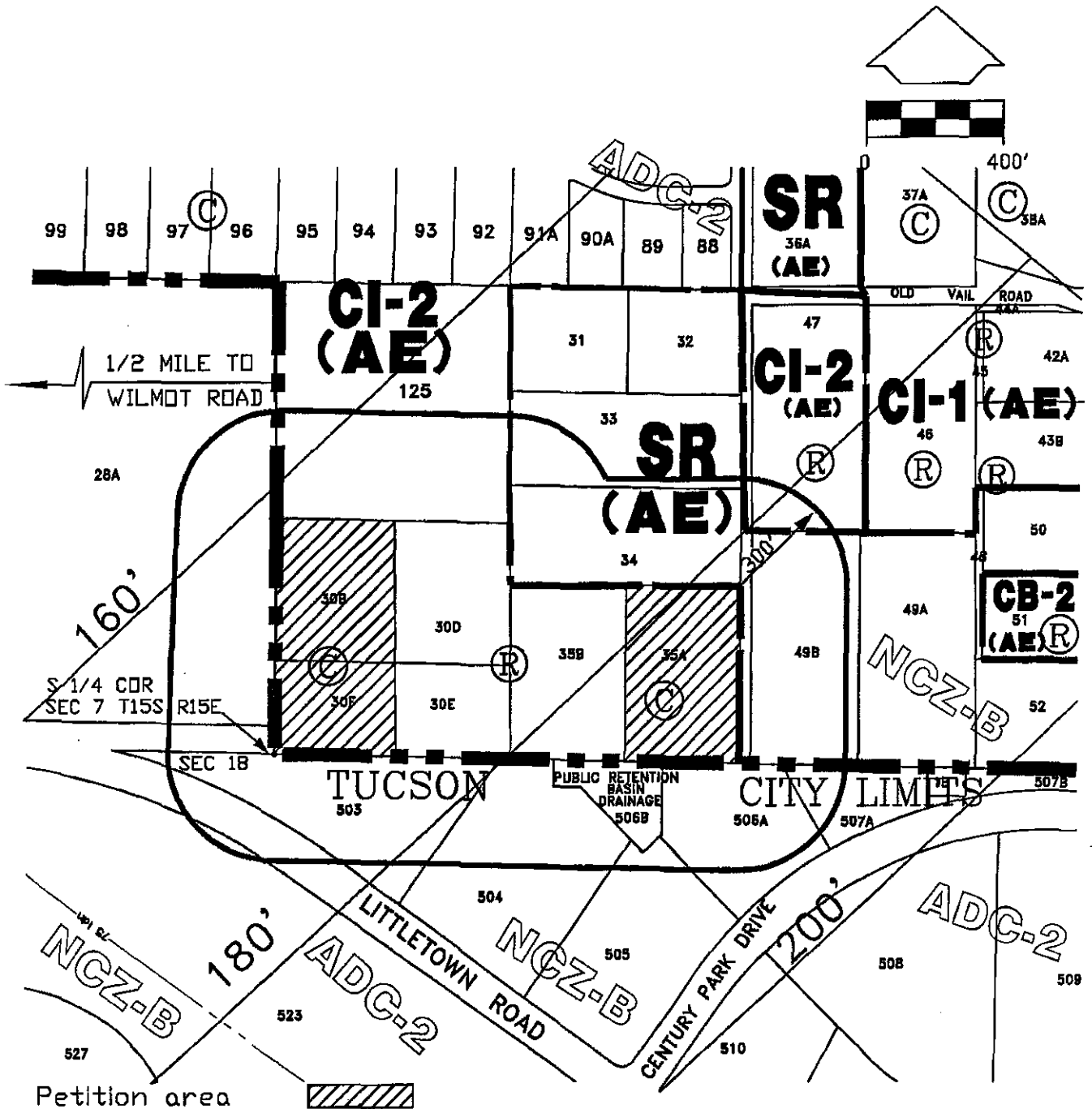
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 17.50 ac±  
sp-AUGUST 16, 1996

CD9-96-09  
CD7-89-2  
141-02-0300  
141-02-0350

10393 452



# EXHIBIT B



Petition area

Notification area

BASE MAP 58

Notes CLOSURE/ TIME EXTENSION

Tax codes 141-03-0303,  
141-03-0304 & 141-03-035A

Date 03/10/14  
Drafter DS

File no. C09-96-09  
4D PROP/ LAVERGNE THOMPSON  
WHOLESALE - LITTLETOWN ROAD REZ

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

69-96-09  
Preliminary Development Plan

