



MEMORANDUM

DATE: August 15, 2007
For August 30, 2007 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Albert Elias, AICP
for Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-07-14 Rio Nuevo North – Commerce Park Loop PAD 4 (Ward 1)

Issue – This is a request by SBBL Architecture and Planning, on behalf of the property owners, QLD-WAAC LLC, for an amendment to PAD 4 to allow an office, 48 feet in height, and setbacks from residential property of 100 feet from the west, and 193 feet from the south. PAD 4 currently allows a maximum building height of 25-feet within 100-feet of R-1 or R-2 zoning; 30-feet within 100'-200' of R-1 or R-2 zoning; and 40-feet elsewhere. The proposed office is an allowed use for this site.

An amendment that results in a substantial change in a PAD District, as defined in Section 2.6.3.11 of the *Land Use Code*, is subject to the Zoning Examiner Legislative Procedure. The rezoning site is located on the south side of Commerce Park Loop, south of St. Mary's Road (see Case Location Map).

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of the rezoning request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped (2 western sites) & Office (eastern site) – Western Archaeological & Preservation Center

Surrounding Zones and Land Uses:

North: Zoned PAD 4; Parking for the City of Tucson Resource Campus

South: Zoned R-2; Residences

East: Zoned PAD 4; Office (Western Archaeological & Preservation Center & Rio Nuevo Professional Plaza)

West: Zoned R-2; Residences

Previous Cases on the Property:

C9-73-53 Homart Development Company - St. Mary's Road, R-2, R-4, B-1, I-1 and I-2 to B-2 and B-2A. This was a request to rezone 99 acres of undeveloped land, located between the Santa Cruz River and Grande Avenue and between St. Mary's Road and Congress Street, to allow the construction of a regional shopping center. On November 26, 1973 the Mayor and Council authorized the preparation of an ordinance. The Mayor and Council approved a development plan

on April 22, 1974 and granted a one-year time extension on February 22, 1977. However, the case was closed on November 9, 1982 because no further action had been taken on the property.

Resolution No. 10912 – Blight Declaration. The Mayor and Council adopted the Blight Declaration for the site by resolution on August 6, 1979.

Resolution No. 13903 – Rio Nuevo Redevelopment Plan/Planned Area Development. Mayor and Council adopted the Rio Nuevo Redevelopment Plan/Planned Area Development by resolution on January 12, 1987.

Related Cases:

C9-06-08 Presidio Terrace – Paseo Redondo, Revision to PAD-2. This was a rezoning request for one acre of the 17 acre *La Entrada Planned Area Development* (PAD-2), located on the northeast portion of the block bounded by Granada Avenue on the west, Paseo Redondo on the north, Main Avenue on the east and Alameda Street on the south. The request was to amend the PAD requirements to allow an alternative mix of land uses, increased residential density, increased building height, reduced parking, and reduced building setbacks. The applicant proposed 80 single-family residential units including nine townhomes, and 10,000 square feet of commercial uses in mixed-use buildings ranging from 26 to 100 feet in height. On June 27, 2006, Mayor and Council adopted Ordinance No. 10301.

Applicant's Request – The applicant requests an amendment to PAD 4 to allow an office building, 48 feet in height, and setbacks from residential property of 100 feet from the west, and 193 feet from the south.

Planning Considerations

The *Santa Cruz Area Plan* and the *General Plan* provide land use policy direction for this area. Both plans promote appropriate commercial development of vacant land, which is compatible with existing residential and commercial development. The *Santa Cruz Area Plan* and the *General Plan* policies encourage and support developments that respond to physical characteristics of the site, and adjacent land use patterns; enhance the visual appeal of the streetscape, and incorporate neighborhood recommendations into site planning and design. The *General Plan* supports appropriate locations for commercial and office uses, with priority for development and redevelopment within the existing urbanized areas located in the Central Core and adjacent to activity centers and employment centers.

The *Santa Cruz Area Plan* recommends that development in these areas should be consistent with the *Rio Nuevo Redevelopment Plan/Planned Area Development*, and refers to the PAD for detailed land use direction. The *Rio Nuevo Redevelopment Plan/Planned Area Development* states that landscaping should be used to enhance major architectural design elements. Landscaping should be interspersed within parking areas and used to screen parking areas and non-residential storage areas. Fencing, walls, and other structural barriers should be designed of similar materials, colors, and general style as the primary buildings on a site. All roof and ground-mounted equipment should be

screened. Lighting should be designed to avoid excessive spillage onto neighboring sites and residential neighborhoods.

The PAD design guidelines recommend avoiding long linear vistas and building edges within the development envelope, and along the streetscape, through variations in setbacks, i.e. random setbacks, and enhanced landscaping. The PAD also specifies using setbacks and height restrictions to buffer existing neighborhoods from the higher intensity uses planned for various portions of the project.

Adjacent PAD development includes a one-story commercial building to the east and taller commercial buildings to the north. The site is bounded by property zoned R-2 to the west and south that consists of one-story residential units. When a PAD amendment is requested, current PAD regulations may be reviewed and revised to conform to current development practices. In this case, the adjacent residents expressed concern about locating trash and loading areas in proximity to homes and providing an adequate landscape buffer between the new development and the surrounding residences.

Bonita Avenue connects St. Mary's Road to the north and Congress Street to the south, through the PAD 4 District. Vehicular access to the rezoning site is proposed from Commerce Park Loop, located west of Bonita Avenue. St. Mary's Road and Congress Street are identified as arterial roadways with future right-of-ways of 100 feet on the *Major Streets and Routes Plan* map.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 1,486 vehicle trips per day. Therefore, a Category I Traffic Impact Analysis, pursuant to the *Transportation Access Management Guidelines for the City of Tucson*, adopted by Mayor and Council March 17, 2003, will be required prior to development plan approval. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The applicant proposes a total of three buildings for this project, with the office building located in the center. A single-story building is located between the proposed office and the existing residences to the south and a parking structure, 25 feet in height, is located to the east of the office building. Landscaping is proposed to buffer the residences and screen parking areas on the south and west boundaries of the rezoning site. The landscaping proposed along the west edge of the building will visually soften the parking lot and enhance the appearance of the office building.

The applicant proposes a decorative masonry/wrought iron wall, 6 feet in height, along the west and south property lines, adjacent to the residences. Regional building materials, such as painted stucco, masonry and concrete will be used in the development. Lighted wall-mounted addresses are proposed for the buildings and site lighting is to include pole and building mounted fixtures. All site lighting will conform to the criteria defined in Section III. A. 3.d. of the PAD document.

The subsurface parking structure, proposed east of the office building, is in proximity to a major sewer trunk line. Pima County Wastewater Management Department advises that every effort should be made to move the proposed parking structure as far away from the trunk line as possible, and that the applicant work closely to with Pima County Engineering. In addition, the width of the existing sewer easement is below the current Pima County Standards and will need to be brought into conformance.

The site is within 1,000 feet of two closed landfills. Therefore, compliance with the requirements of Ordinance Number 8852 is required.

Drainage/Grading/Vegetation – The site does not lie within a regulatory floodplain and is not within a designated balanced or critical basin. Since it is a commercial development of greater than 1 acre, threshold retention is a standard requirement. However, due to the proximity of the Santa Cruz River and a drainage system that will carry onsite flows into a storm drain discharging into the river, retention is not required for flow discharged into Commerce Park Loop.

Road Improvements/Vehicular Access/Circulation – Commerce Park Loop is a publicly maintained roadway. Two driveways located along Commerce Park Loop provide vehicular access into the site and direct traffic into parking lots on the north, south and west sides of the proposed office building and to the proposed parking structure. The parking for the existing building, located southeast of the property will be redesigned to accommodate the new project.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *General Plan, Santa Cruz Area Plan, and the Rio Nuevo Redevelopment Plan/Planned Area Development*. Subject to compliance with the attached preliminary conditions, approval of the requested amendment to PAD 4 is appropriate.

Preliminary Conditions

1. A development plan in substantial compliance with the preliminary development plan dated July 31, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
3. The *Rio Nuevo Redevelopment Plan/Planned Area Development* shall be amended as follows:

Rio Nuevo Redevelopment Plan/Planned Area Development

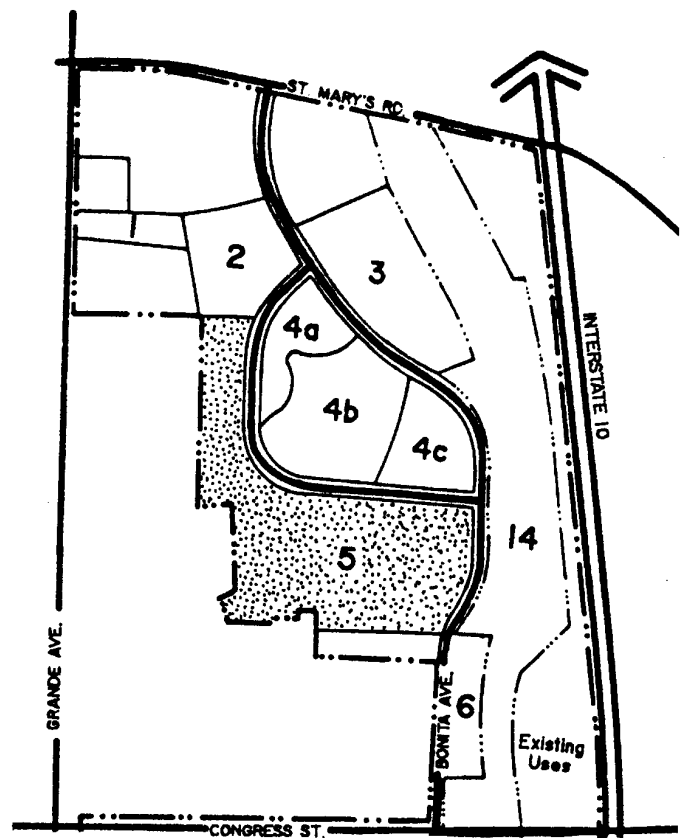
DEVELOPMENT AREA: 5 19.5 acres

Primary Uses Office
Permitted:

Alternate Uses Business Park
Permitted:

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Minimum building setback from existing residential development areas: 20'
- c) Maximum floor area ratio: 0.6
- d) Maximum building height:
Allow 48-feet measured to roof with structural elements such as ornamental structures and mechanical equipment allowed to extend 16-feet above the maximum height – with a 100-foot setback from west property line and 190-foot setback from south property line; 25-feet height elsewhere. 25' within 100' of R-1 or R-2; 30' within 100' 200' of R-1 or R-2; 40' elsewhere



Preliminary Conditions

- e) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way; trees to be a minimum 15 gallon - spaced every twenty-five feet (25') on center; the north parking lot should have at least one (1) tree to every four (4) spaces; site to be surveyed for buffelgrass, if any found then buffelgrass to be remediated from site.
 - f) Special screening or buffering: A 6' high wall and a 5' wide planting strip buffer on west and south property lines, where a 5' high wall does not exist; allow for a perimeter wall greater than 6', not to exceed 8', where the wall is located on residential property line; wall to be a combination wrought iron and masonry, graffiti-resistant with some type of decorative design; individual residential property owners to be consulted regarding design of wall; all dumpsters and loading zones to be located at least 50' away from residential property lines to the west and south .
 - g) Parking requirements: Per design guidelines, Section IIIA; row of parking along west and south property lines to be modified to include that no more than ten (10) consecutive parking spaces allowed without the interruption of a landscaped island that is a minimum ten-feet (10') wide.
4. The property owner/developer shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area.
 5. The property owner/developer shall bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into compliance with the most recent Pima County Wastewater Management Department's standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 6. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
 7. Six (6) inch wide fence block or greater shall be used for perimeter walls.
 8. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be

Preliminary Conditions

secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
10. The guardhouse located north of the proposed office shall comply with IFC Section 503 as amended or as approved by the Fire Code official. The property owner/developer shall provide a path, 20 feet in width, on at least one side and the entry gate shall open to 20 feet clear and have a Fire Department access box.
11. The property owner/developer shall submit a Category I Traffic Impact Analysis prior to Development Plan approval.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Preliminary Conditions

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case ***** and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case *****.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

Preliminary Conditions

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case *****.

Dated this _____ day of _____, 20__.

OWNER

By: _____

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public

My Commission expires:

City of Tucson, an Arizona municipal Corporation

By: _____
Urban Planning and Design