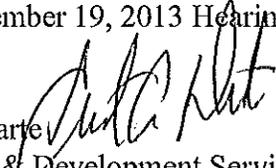




MEMORANDUM

DATE: August 29, 2013
For September 19, 2013 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: Ernie Duarte 
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-13-09, Girl Scouts - Broadway Boulevard R-1 and P to C-1 (Ward 6)

Issue – This is a request by, Thomas Sayler-Brown of SBBL Architecture + Planning, on behalf of the property owners, Girl Scouts of Southern Arizona, Inc., to rezone approximately 0.80 of an acre from R-1(single-family residential) and P (parking) to C-1 (neighborhood commercial) zoning to create a consistent zoning pattern to facilitate redevelopment and expansion of the site. The rezoning site is located on the south eastern corner of Broadway and Columbus Boulevards. The proposed rezoning site extends approximately 325 feet east along the Broadway Boulevard frontage and approximately 215 feet south along Columbus Boulevard (Case Location map). The proposed site includes three free standing parcels containing two existing buildings along the Broadway Boulevard frontage with parking. The preliminary development plan (PDP) proposes the redevelopment of an existing two-story office building (6,000 sf), with the addition of two proposed two-story buildings (9,000 sf and 12,000 sf), to be built on the eastern parcel with and updated parking and loading areas.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Girls Scout Resource Center, parking area, and vacant lot.

Surrounding Zones and Land Uses:

North: Zoned C-1; commercial and retail uses
South: Zoned R-1; single-family residential properties
East: Zoned C-1; commercial and retail uses
West: Zoned R-1; single-family residential properties

Previous Cases on the Property:

PA-13-01 Alvernon-Broadway Area Plan – From Low Density Residential to Commercial, Office and High Density Residential. This was request was to amend the *Alvernon-Broadway Area Plan (ABAP)* from Low Density Residential designation to Commercial, Office, and High Density Residential designation. Mayor and Council approved the plan amendment request on July 9, 2013 with the adoption of Resolution number 22079).

C9-87-52 Mayo’s Furniture – Columbus Boulevard, R-1 to PR This was a rezoning request for the redevelopment of property to allow for office space for the Girl Scouts Saguaro Council and additional off-site parking. Ordinance number 6908 was adopted by the Major and Council on March 14, 1988. On September 6, 1988, the Mayor and Council voted 6-0 to amend the zoning boundaries of the C9-87-52 case with the adoption of Ordinance number 7036.

C10-88-90 Colossus Investments/Sahauro Girl Scout Council, INC., 4301 East La Jolla Circle, PR This was a variance case that went before the Board of Adjustment in conjunction with rezoning case C9-87-52 (see above). The variance request was to allow the development of a vacant property in order to provide for a 21 space parking area to the south of the Girl Scouts Building. The variance was granted with conditions on August 24, 1988.

Related Cases:

C9-95-01 Fletcher - Broadway Boulevard, R-1 to O-1 This was a request to rezone the parcel at the northwest corner of Broadway Boulevard and Columbus Boulevard. The request was to allow the conversion of an existing 1,360-square-foot, single-family residence and attached garage to a professional office. This case was withdrawn on March 16, 1995.

C9-92-13 Bratosh - Broadway, R-1 to O-1 This case was a request to rezone the parcel at the northwest corner of Broadway Boulevard and Columbus Boulevard. The request was to allow the conversion of an existing 1,000-square-foot, single-family residence to a 1,170-square-foot, professional office on a 0.2-acre rezoning site. On April 12, 1993, the Mayor and Council denied the request.

Applicant’s Request – The applicant requests a single C-1 zoning designation for the site. This consistent zoning district will allow for the redevelopment and expansion of the Girls Scouts site with the addition of two additional buildings, updated vehicle and pedestrian circulation, parking areas, and landscaping.

Planning Considerations

Land use policy direction for this area is provided by the *General Plan* and the *Alvernon-Broadway Area Plan (ABAP)*.

Alvernon-Broadway Area Plan (ABAP): The nonresidential policy guidance set forth by the *ABAP* is intended to limit office and commercial development to designated locations. These locations are most suited to handle the intensity of uses in terms of traffic generation and potential impacts on adjacent residential uses. These policies have been designed to minimize the expansion of nonresidential uses into existing neighborhoods and are to be used in conjunction with general design guidelines.

The associated nonresidential policies limit new office and commercial uses and redevelopment of existing uses when the following criteria are met:

1. Primary access can be provided from an arterial street;
2. Parking and maneuvering requirements can be met on-site;
3. Screening and buffering for adjacent residential uses to be provided on-site;
4. Provide setbacks and transition of heights and/or densities for proposed development which is adjacent to less intense uses;
5. Mitigation measures to adequately buffer and shield direct outdoor lighting from adjacent residential uses and transition building heights downward from the arterial street frontage toward adjacent residential uses;
6. Noise generating uses should be located away from and buffered from adjacent residential uses and residentially zoned property;
7. Minimize the number of vehicular access points for new development and enhance the visual appearance of masonry walls;
8. The use of landscape to enhance the visual continuity by planting drought-tolerant, native, or adaptive vegetation of similar form to the vegetation.

General Plan (GP): The *GP* supports compatible development including nonresidential uses where the scale and intensity are compatible. Appropriate development is supported with priority in the existing urbanized area, to promote use and improvement of existing infrastructure and meet residents' need for goods and services in a cost-effective and equitable manner. The *GP* also promotes neighborhood identity and visual character for all redevelopment proposals. The *GP* supports appropriate locations for commercial and office uses and the expansion of commercial areas into adjoining residential areas if appropriately screened and buffered. Projects should also reflect sensitivity to specific site and neighborhood conditions and adhere to relevant architectural design guidelines. Policy also encourages and supports entrepreneurial efforts and technological innovation in local businesses. Lastly, the *GP* promotes the continued physical and economic viability of the city's neighborhoods and commercial districts and the preservation, salvage, and establishment of native species in urban landscaping.

Directly to the north and east along Broadway Boulevard are a mixed use of commercial properties with C-1 and OCR-1 zoning. To the west and south are established single story single-family residential properties with R-1 zoning.

The Pima Association of Governments Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 312 vehicle trips per day. Broadway Boulevard is

designated as a Gateway arterial and Columbus Boulevard is designated as a collector street on the Major Streets and Routes Plan map.

Field inspection by staff indicates there are currently no billboards on the rezoning site. The site does contain a non-conforming pole sign, which shall be removed per rezoning conditions.

Design Considerations

Land Use Compatibility – The proposed Preliminary Development Plan (PDP) shows that the site is located within established commercial and residential development areas. The existing and proposed Broadway Boulevard street frontage has sidewalks and landscaping consistent with plan direction. Properties to the west, across Columbus Boulevard and south, across La Jolla Circle are developed generally as one story single-family residential. The proposed new 2-story buildings will be built on the easternmost parcel and front onto Broadway. The new buildings will be approximately 180 feet from the residential homes that front on La Jolla Circle and 300 feet from residences on Columbus Boulevard. The proposed new buildings will be screened by a six foot tall masonry wall and landscaping. Based on existing developments, commercial is an appropriate zone at this location. The existing office use is well established and will continue to blend with the surrounding neighborhood character.

The PDP proposes two new 2-story buildings, one with 9,000 square feet of floor area, the other with 12,000 square feet of floor area, both with a maximum height not to exceed 30 feet. The height and size of the buildings is compatible with surrounding commercial buildings and uses along the southern side of Broadway Boulevard. The PDP also reflects integration with the abutting commercial development to the north. Redevelopment of the site has the potential to visually improve the character of the area.

The trash dumpster and loading areas are located close to the proposed buildings and are planned to be 80 feet from residentially-zoned areas to the west and south. The Code-required dumpster enclosure should be screened with landscaping and/or a six foot tall masonry wall. For pedestrian and user safety, the parking lot should be light. Lighting fixtures should be compliance with the Outdoor Lighting Code, to limit light trespass on to adjacent residential properties. To minimize adverse lighting impacts, it is recommended all outdoor lighting be shielded or directed away from adjacent residential parcels and public roadways. Also, any walls or doors visible from adjacent streets and residential properties should be surfaced with a non-reflective material. The *ABAP* Design Guidelines require that the facility's exterior façade visible from adjoining residential properties or streets be earth tone in color and of masonry, stucco, or similar materials. Exterior mechanical equipment should be ground mounted, oriented towards the interior of the site, and screened from view from the surrounding properties and streets. Any graffiti should be removed within five working days of discovery.

The PDP proposes a covered parking structure with solar panels near the southeast corner of the site. The structure should meet the required perimeter setback of 1 ½ times the height of the structure to minimize impacts on the residences to the south.

Drainage/Grading/Vegetation – The PDP depicts a ten foot landscape border with a variety of mature trees and shrubs. A five foot high masonry screen wall is proposed along the west and south property boundaries to buffer single-family residences across Columbus Boulevard and La Jolla Circle respectively. Upon site inspection staff noted several species of mature native trees, it is recommended that the mature native trees be evaluated and incorporated into the proposed landscape plans, per the Native Plant Preservation Ordinance. Additional trees are proposed within the parking lot. The mature trees located in the southeastern corner should be saved and incorporated into the landscape plan. It is recommended that a six foot high masonry wall be constructed on the south property edges in lieu of a five foot masonry wall as proposed in the DCR. To promote visual interest all screen walls should have a decorative design; with surface texture and colors that complement the buildings. Wall should be constructed of or painted with graffiti-resistant materials. All walls be of no less than six inch wide masonry material. In addition to enhancing the visual quality of the project, enhanced landscaping will help counteract the urban heat island effect.

Road Improvements/Vehicular Access/Circulation – Principal access to the site is from Broadway Boulevard. In response neighbors' concerns, secondary access to Columbus Boulevard is designed with a "pork chop" to allow right-in / right-out traffic only. A 24 foot wide on-site parking area access lane (PAAL) is proposed to provide circulation within the site and connect to Broadway Boulevard. Gated access to La Jolla Circle is provided to allow access for seasonal cookie truck loading and unloading activities to occur at the proposed building identified on the PDP as the Leadership Center. Use of La Jolla Circle should be limited to cookie season only and within the hours of 6 AM to 7 PM. Policy also calls for direct residential connection to commercial services to reduce vehicular and pedestrian strain. A private four foot wide pedestrian circulation is proposed to link the buildings onsite to the existing sidewalk on Broadway and to provide separation from parking. It is recommended that a pedestrian access location be shown on the PDP for both phases of the plan.

Conclusion – The request to rezone to C-1 Neighborhood Commercial zoning is consistent with policy direction provided in the *ABAP* as amended July 9, 2013 and the *General Plan*, which support protection of established residential neighborhoods regarding compatibility with the scale, intensity and character of the surrounding development. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A Development Package shall be in substantial compliance with the Preliminary Development Plan and the Design Compatibility Report submitted as part of the Rezoning Report on 7/12/13 which clearly illustrates compliance with all conditions through the use of details, diagrams and/or note submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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 (l) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) 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 PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

8. All outdoor security lighting shall be in compliance with the Outdoor Lighting Code and directed down and shielded away from adjacent residential parcels and public right of ways to limit light trespass.
9. Exterior mechanical equipment shall be screened from view from the surrounding parcels and right of ways.
10. Building façade of proposed buildings to be compatible with the *Alvernon-Broadway Area Plan* design guidelines and surrounding residential land uses. Elevations shall be included in the development package for staff review including dimensions and color palette.
11. Building height for all structures shall not exceed thirty feet (30) high. Buildings shall be setback no less than fifty feet (50) from the residential properties along the west and south property lines as indicated on the PDP dated 7/12/2013.

Preliminary Conditions

12. The proposed covered parking structure with solar panels shall meet the required perimeter setback of 1 ½ times the height of the structure to minimize impacts on the residences to the south.
13. Removal of non-conforming pole-mounted sign.
14. Six (6') foot masonry wall with no less than six (6) inch wide masonry material shall be located along the south as identified on Preliminary Development plan submitted on 7/12/2013.
15. All site boundary screen walls shall be graffiti-resistant masonry that incorporates two (2) or more of the following visually appealing design treatments, such as the use of decorative materials like stucco, tile, stone, rusted metal, or brick; a visually-interesting design on the wall surface; and/or a varied wall alignment (job, curve, notch, setback, etc.) in substantial compliance with the DCR submitted on 7/12/2013. Provide wall detail. Graffiti to be removed within five working days of discovery.
16. Delivery hours, trash pick-up, and outdoor construction service uses limited to 6:00 AM to 7:00 PM.
17. Activities associated with cookie sales shall occur within the new building and associated parking lot. This includes loading and unloading of the semi-trucks and associated volunteer and staff activities. Location of loading and unloading zone shall be shown on both phases of the PDP.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

18. A minimum ten foot (10) wide landscape border shall be provided along the entire west and south property lines as indicated on the PDP dated 7/12/2013. All vegetation shall be low maintenance and drought-tolerant vegetation and/or trees of similar form and scale to the types existing in the area.
19. Incorporate water harvesting techniques into the landscape irrigation design.
20. There shall be no greater than a 10 percent surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use.
21. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide materials with building permit application and reference rezoning case number C9-13-07. New and replacement roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

22. The Development Plan to provide two primary access driveways on Broadway; secondary access with right-in, right-out on Columbus during the first phase of redevelopment as shown on PDP dated 7/12/2013. Phase two of the project shall access from the same location as reflected on the PDP dated 7/12/2013.
23. Vehicular access to La Jolla is limited to vehicles parked within the secured parking lot and trucks exiting the site only. A proposed change of use on the site shall trigger a staff review of the vehicular circulation patterns.

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 C9-13-09 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 C9-13-09.

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.

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

Preliminary Conditions

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 C9-13-09.

Dated this _____ day of _____, 20__.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.