

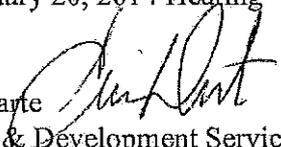


# MEMORANDUM

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DATE: February 5, 2014  
For February 20, 2014 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Ernie Duarte   
Planning & Development Services  
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-13-04 Northern Star – Old Spanish Trail, SR to Planned Area Development  
(PAD) Zone (Ward 4)

**Issue** – This is a request by Michael Grassinger, AICP, of the Planning Center, on behalf of property owner, Joe Yee, to rezone approximately 60 acres from SR to PAD to establish the Northern Star Planned Area Development (PAD). The term “PAD” is used to refer to both the subject property and the document that provides land use regulations for the subject property. The site is located on the west side of Houghton Road, south of Old Spanish Trail and north of Golf Links Road (see Case Location Map). The proposal is for a mixed-use community activity center with commercial, retail, entertainment, office, and residential uses.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of the PAD Zone.

### **Background Information**

**Existing Land Use:** Three single-family homes and accessory structures. The balance of the site is substantially vacant.

### **Surrounding Zones and Land Uses:**

North: Zoned R-1, RX-2, SR; Residential single family homes, church

South: Zoned C-1, C-2; Commercial, Fast food retail, vacant land

East: Zoned C-2; City of Tucson Water site, vacant land

West: Zoned R-1, SR; Residential single family homes

**Previous Cases on the Property:** None

Related Cases:

C9-12-04 Rio Verde Village – River Road (PAD): The proposal was for approximately 40 acres located at the southeast corner of River Road and Craycroft Road. The PAD was a comprehensively planned mixed-use development providing retail, office, civic, recreational, dining, and residential uses. On July 10, 2012, Mayor and Council adopted Ordinance No. 11009. The ordinance became effective and the zoning changed to PAD on August 10, 2012.

Planning Considerations

Policy direction for this request is provided by *Plan Tucson* and the *Pantano East Area Plan (PEAP)*. The rezoning site is identified in *Plan Tucson* on the future growth scenario map as a “neighborhood with greater infill potential”. The *Plan* supports a mixture of commercial, office and residential uses at the intersections of major transportation corridors such as Houghton Road and Golf Links Road. The PAD as proposed would establish an activity center that would take advantage of the existing infrastructure and further the creation of multi-modal opportunities along both of these corridors serving residential uses already developed in the area. This type of mixed use activity center would have the potential to reduce air pollution, improve delivery of services, and create an inviting place to live, work, and play. The proposed design for the perimeter of the site includes buffers for adjacent scenic routes and existing residential neighbors while maintaining features of the natural environment including the existing drainage pattern, which is consistent with the goals and policies of *Plan Tucson*.

Similar to *Plan Tucson*, the *PEAP* supports community commercial uses at the intersections of major streets. Submittals should include documentation of the need for additional commercial uses in the area. The PAD document should also discuss the need for a mix of land uses to reduce trips, the compatibility of the proposed development with existing land uses, the creation of new pedestrian and bikeway systems, and maintaining natural habitat within and along the edges of new development. All of these policy objectives are addressed in the submitted PAD document.

The project site is bordered on three sides by designated arterial streets: Houghton Road on the east, Old Spanish Trail on the north, and Golf Links Road on the south. Houghton Road and Old Spanish Trail are also designated as Scenic Routes, and Golf Links Road is designated as a Gateway Route on the *Major Streets and Routes Plan*. The site is currently developed with three single-family homes and associated shed structures.

Land uses surrounding the PAD include single-family residential, commercial and large church facilities. To the north across Old Spanish Trail is RX-2 and R-1 zoning developed with single-family homes, and SR zoning developed with single-family homes and a church. To the northeast across Houghton Road, north of Old Spanish Trail is SR zoning developed with a church. Directly across Houghton Road to the east is C-2 zoning developed with the Tucson Water Eastside Service Facility, and undeveloped land to the north of the facility. To the southeast across Houghton Road south of Golf Links is an existing pharmacy with a future retail

store proposed in C-1 zoning. Directly south across Golf Links road is C-2 zoning developed with a convenience store with a gas station, and C-1 zoning proposed for a retail shopping center. To the southwest across Golf Links Road is RX-1 zoning with single-family residential homes. Directly west of the site is R-1 zoning developed with single-family homes, and SR zoning, which is currently undeveloped.

### **Planned Area Development Overview**

The PAD document anticipates a mix of land uses and opportunities to meet the diverse needs of the immediate area and the broader community. Approximately 10 acres of the PAD are proposed to be retained for open space with 30-foot and 20-foot natural bufferyards along Old Spanish Trail and Houghton Road frontages respectively. A 10-foot wide landscape border will be provided along Golf Links Road. The PAD also includes a 100-foot landscaped buffer area planted with canopy trees, shrubs and accent plants along the west edge adjacent to existing low density residential. A building setback of between 150-200 is proposed along the western PAD boundary, with a 200-foot setback for large-scale retail development. Landscaping along the Eastview Wash floodplain corridor, which extends east-to-west across the site will contain elements of local native riparian habitat. A multi-use trail will be provided along the wash and within the west perimeter landscape bufferyard. This trail will connect to new public sidewalks and bike routes along the three major streets adjacent to the site.

The actual development area of the PAD will be approximately 50 acres, with proposed uses to include residential, commercial, retail, entertainment, and office uses. The PAD is divided into five (5) development areas based on a modified C-2 Zone. The PAD lists permitted and prohibited uses, with development area boundaries determined by the interior spine roads and subject to change depending on final layout of the spine roads. There is one spine road that runs north to south between Old Spanish Trail and Golf Links Road, and another spine road that accesses the site from Houghton Road, but stops where it connects to the north-south spine road. The PAD District will have access onto Houghton Road, Old Spanish Trail and Golf Links Road, with one primary access point and two secondary access points proposed on all three arterial roadways. The most intensely developed area of the site will be in Development Area 2, located in the southeastern portion of the site, where one building is proposed with a height of between 85 and 100 feet. Otherwise building height is limited to 50 feet in Development Areas 1 and 2, and limited to 40-feet in Development Areas 3, 4, and 5.

### **Conclusion**

The proposed PAD is consistent with applicable policy direction provided by Plan Tucson and the Pantano East Area Plan and is in keeping with the general character of the area. The proposal meets the intent of the policy direction regarding compatibility with scale, density and character of surrounding development. The PAD proposes to provide a wide array of needed jobs and services for this part of the City. Subject to the plans, policies and requirements set forth in the PAD document, rezoning of the site to Planned Area Development (PAD) is appropriate. No additional conditions of rezoning are required.

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 C9-13-04 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 C9-13-04.

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.

