



MEMORANDUM

DATE: February 3, 2014

A handwritten signature in blue ink, appearing to read "L. Kafka", with a long horizontal line extending to the right.

TO: Ernie Duarte
Planning and Development Services Director

FROM: Linus Kafka
Zoning Examiner

SUBJECT: C9-13-12 CODAC – Fort Lowell Road: Revised Preliminary Conditions

Rezoning conditions attached to the Preliminary Report have been modified to reflect additional information provided by the applicant in a letter dated January 30, 2014, subsequent to the hearing, titled "Zoning Examiner Hearing Protesting Concerns Recap – Hearing Date 16 January 2014." These modifications enhance the mitigation efforts reflected in the Neighborhood Communications Plan. Modified or additional conditions include numbers 14, 19, and 22. These conditions incorporate provisions of the Neighborhood Communications Plan and clarify drainage / rainwater harvesting criteria on the site.



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

February 3, 2014

**C9-13-12 CODAC – Fort Lowell Road
Rezoning R-2 to P
Public Hearing: January 16, 2014**

BACKGROUND

This rezoning request from R-2 to P zoning is to allow redevelopment of an existing uncompleted structure into a 67 space parking lot located on the north side of Fort Lowell Road, approximately 700 feet west of Navajo Road.

Land use policy direction for this area is provided *Plan Tucson* and the *Northside Area Plan*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer also commented that four written approvals and two written protests were received.

Jeff Hunt, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning.

The applicant, employees and supporters of CODAC, and several neighbors also testified. The public hearing was closed on January 16, 2014.

FINDINGS OF FACT

Application:

This is a request by Jeff Hunt, P.E. of Cypress Civil Development, on behalf of the property owner Michael Goodman, to rezone approximately 0.55 acres from R-2 to P zoning. The rezoning site is located on the north side of Fort Lowell Road, approximately 700 feet west of Navajo Road. The preliminary development plan provides for redevelopment of an existing uncompleted structure into a 67 space parking lot. The proposed parking lot would support the conversion of the two story office building located

C9-13-12 CODAC – Fort Lowell

Rezoning: R-2 to P

immediately to the east into a medical outpatient facility to provide outpatient therapy, peer support services, case management, and integrated medical care for CODAC clients.

The applicant has requested that this rezoning case be concurrently reviewed with development plan package DP 13-0217 since the requested rezoning site and adjacent office conversion will function as one, integrated medical facility and parking lot. Accordingly, both parcels shall come into conformance with UDC standards and associated rezoning conditions.

The proposed rezoning site is rectangular in shape and approximately 226 feet long by 107 feet wide. The parcel is somewhat deeper (approximately 18 feet) than the parcels to the east or west fronting Fort Lowell Road. Parcels to the north and west are zoned R-2 and developed for residential use. The parcels to the north of the rezoning site contain residential structures within five feet of the common property line. As indicated, the parcel directly to the east is an office building, known as Cobblestone Court, and zoned O-3. To the south are established commercial and office uses zoned C-1 and O-3.

The proposed parking lot will not have direct access to Fort Lowell Road. Instead, principal access to the site is from the existing office condominium site. The existing driveway locations onto that site from Fort Lowell Road will not be altered. Fort Lowell Road is an arterial street according the *Major Streets & Routes Plan*. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development (the medical outpatient facility) will generate 604 vehicle trips per day with PM peak at 99 trips. No estimate has been provided for how many vehicle trips per day would be generated by the existing office building if it were to be used as currently permitted. Testimony at the January 16, 2014 hearing indicated that approximately half the visitors to the proposed facility would be transported by CODAC vehicles.

Policy Direction:

Land use policy direction for this area is provided *Plan Tucson* and the *Northside Area Plan*. Sensitivity to the adjacent residential neighborhood is a high priority within both plans.

Northside Area Plan policy direction is provided by the General Goals and Policy Section. The *Plan* encourages a mix of residential and nonresidential land uses when the integrity of existing neighborhoods is protected. The *Plan* supports and emphasizes protecting neighborhoods from non-local traffic and encourages the continued development of key city-wide transportation corridors. The *Plan* supports conversion of residential land uses to non-residential uses when the site fronts an arterial street and when all parking and maneuvering can be met within the development area. The *Plan* supports land use changes when parcels are consolidated, the site design fosters and integrates with the adjacent non-residential land uses, and access points are minimized. Sensitivity to adjacent residential development is promoted with appropriate screening and buffering. The General Design Guidelines Section also supports appropriate decorative screen walls and landscaping with

C9-13-12 CODAC – Fort Lowell

Rezoning: R-2 to P

ground cover and trees along project perimeters adjacent to residential development and along the arterial street frontage. Signage should be integrated into the landscape scheme.

The proposed development is also consistent with the applicable Land Use, Transportation, and Urban Design Policies (LT) of *Plan Tucson*, and the supporting Guidelines for Development Review. The site is within a Neighborhood Center Corridor along Fort Lowell Road, which provides for small businesses surrounded by housing and accessed internally and from nearby neighborhoods. *Plan Tucson* guidelines encourage commercial expansion and the consolidation of parcels for office and commercial use, as long as such development is sensitive to, and compatible with, surrounding land uses.

Neighborhood Compatibility:

At the January 16, 2014 hearing the applicant, CODAC employees, and community supporters testified as to the need for providing general mental health services by CODAC in an easily accessible and dignified manner, as the Cobblestone Court office complex would allow. Several neighbors voiced concerns about the proposal and either objected to the development outright or reserved approval. Objections ranged from general concerns about the nature of services provided by CODAC to site-specific considerations regarding enhanced security, lighting, maintenance, traffic, operating hours, signage, and site design.

In response to particular concerns raised by neighbors, additional conditions to mitigate the impact of the use on neighboring properties and to enhance overall compatibility are recommended. These include a prohibition on distribution of methadone at the facility, and to limit areas in which people at the site may smoke. To enhance security, the applicant has contracted with a security firm to increase the number of nighttime visits to six per night and will install four security cameras. The applicant has also hired a new maintenance company (the owner of which testified at the January 16, 2014 hearing) to ensure that the property is kept clean and that any graffiti on the property is quickly removed. Although operating hours are proposed to be from 7:00 am to 9:00 pm, Monday through Friday and 7:00 am to 5:00 pm on weekends, it has been recommended that applicant restrict late hour group meetings. The applicant has worked to memorialize these and other mitigation efforts into a Neighborhood Communication Plan. Some have been included as additional conditions to the proposed rezoning, agreed upon by the applicant.

Rezoning conditions attached to the Preliminary Report have been modified to reflect additional information provided by the applicant in a letter dated January 30, 2014, subsequent to the hearing, titled "Zoning Examiner Hearing Protesting Concerns Recap – Hearing Date 16 January 2014." These modifications enhance the mitigation efforts reflected in the Neighborhood Communications Plan.

C9-13-12 CODAC – Fort Lowell
Rezoning: R-2 to P

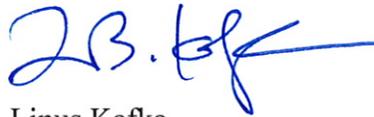
CONCLUSION

The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Northside Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of P zoning, subject to the recommended staff conditions.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated October 22, 2013 is to be 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 (I) 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. A 25-foot wide landscape buffer with an average of one tree for every 25 linear feet shall be provided along the north property line within the parcel zoned Parking (P).

9. Hours of operation between Monday and Friday from 7:00 AM to 9:00 PM, and weekends from 7:00 AM to 5:00 PM. Group activities shall not be permitted after 8:00 PM on weekdays.
10. A Neighborhood Communication Plan will be on file with Planning and Development Services, which names a direct contact and addresses neighborhood communication and outreach.
11. Parking spaces north of the building shall be for employee use only and shall be identified with appropriate signage.
12. Delineation of a dedicated employee rest area. The rest area will be located a minimum of 25 feet away from residential housing units. "No Smoking" signs (minimum size 14" x 10") will be placed in any employee rest area located within 50 feet of any residential housing unit.
13. An integrated outdoor lighting plan, in compliance with the Outdoor Lighting Code (OLC), shall be included in the development plan package. The plan shall show even lighting distribution over the entire proposed site, and shall minimize spill-over light to the north and west.
14. Owner/Applicant will be responsible for after-hours security, including: providing a minimum six visits per night to the Property; four security cameras; an alarm system installed and armed outside of business hours.
15. All ADA parking spaces and short term bicycle parking facilities shall be located adjacent to the building.
16. 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, rustic metal, tile, stone, or brick; a visually interesting design on the wall surface. Metal portions should be painted to match the existing screen wall color, if a natural rustic color is preferred or used, a sealant over the material shall be used.
17. A six (6) foot height masonry wall or an appropriate alternative material shall be located along the north, east and western property boundary. The height of the wall shall be measured on the internal side of the parcel.
18. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
19. There will be no access from the Property to the neighborhood on the north, east or west sides.

20. Methadone or other synthetic opioids used to treat chemical dependency shall not be stored or distributed within the development plan site.
21. Appropriate construction fencing will be utilized during construction to protect adjacent properties; the existing chain link fence on the west side of the rezoning site shall be returned in good condition to the owner of the adjacent property

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

22. The project will be subject to the Rainwater Collection and Distribution requirements of the Tucson Code.
23. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
24. Each detention/retention basin shall include a sediment trap, or other sediment control measures to include rip rap rock at inlet locations, as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
25. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat unless the basin is operating as a landscape retention basin, in which case, the basin outlet cannot exceed a maximum height of 6", as measure from the basin bottom.
26. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
27. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
28. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide root zones with a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil; or 600 cubic feet (no deeper than 3 feet) of structured soil that can be compacted at 95%, per manufacturers recommendation, so that pavement can be laid directly over the structured soil while allowing development of roots.
29. There shall be no greater than a ten percent (10%) surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use. Additional spaces may be mitigated on a one to one bases with the planting of additional native canopy trees.

30. Incorporate reflective, materials in pedestrian areas.
31. 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 C9-13-12. New or 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

32. The installation of a six (6) foot wide sidewalk meeting ADA standards along the parcel zoned Parking (P) Standard width transition, wheelchair access ramps and site access points shall be provided when connecting to existing sidewalks.
33. Dedication of right of way along Fort Lowell as required by the Department of Transportation.

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(l).

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 XXXXXX 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 XXXXXXX.

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

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 XXXXXXX.

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.



MEMORANDUM

DATE: January 1, 2014
For January 16, 2014 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte
Planning & Development Services
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT
C9-13-12 CODAC – Fort Lowell Road, R-2 to P (Ward 3)

Issue – This is a request by Jeff Hunt, P.E. of Cypress Engineering, on behalf of the property owner Michael Goodman, to rezone approximately 0.55 of an acre from R-2 to P zoning. The rezoning site is located on the north side of Fort Lowell Road, approximately 700 feet west of Navajo Road (see Case Location map). The preliminary development plan (PDP) proposes the redevelopment of an incomplete housing project (currently zoned R-2) into a 67 space parking lot (to be rezoned to P) to support the conversion of the existing two story office building immediately adjacent to the east of the rezoning site (zoned O-3) to a medical outpatient building. The proposed parking lot will not have direct access to Fort Lowell Road.

Per the applicant's request, this rezoning case has been submitted for concurrent review and is associated with development plan package (DP 13-0217). For consideration of this proposal, the entire project has been reviewed and shall come into conformance with UDC standards and associated rezoning conditions. Should the rezoning and the development package be approved, the medical facility and parking lot shall function as one integrated site.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of P (Parking) zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Incomplete student housing development.

Surrounding Zones and Land Uses:

North: Zoned Residence Zone (R-2): multi and single family residences;
South: Zoned Commercial Zone (C-1) and Office Zone (O-3); office use;
East: Zoned Office Zone (O-3): church outbuilding and community garden;
West: Zoned Residence Zone (R-2): vacant parcel.

Previous Cases on the Property: none

Related Cases:

C9-81-13 Johnston – Ft. Lowell, R-2 to R-4 (O-3) This was a rezoning request for 1.28 acres on the north side of Fort Lowell, approximately, 380 feet from Navajo Road, to allow for the development of a two-story office condominium development immediately adjacent to the subject rezoning site. On August 3, 1981, Mayor and Council adopted Ordinance No. 5417 effectuating the requested zoning.

C9-96-06 Hummel – First Avenue, R-2 to P This was a rezoning request for 0.9 of an acre located at the southwest corner of Buddy Lane and Euclid Avenue, approximately 200 feet east of First Avenue, to allow the development of 117 space parking lot to support the existing adjacent buildings to the west. On August 20, 1996, Mayor and Council adopted Ordinance No. 8751 and on December 2, 1996, a development plan was recorded, effectuating the requested zoning.

C9-07-15 Tu Nidito – Mountain, R-2 to P This was a rezoning request for 0.20 of an acre site located at the southeast corner of Mountain Avenue and Duke Drive to allow the development of a new surface parking lot on the east side of the existing Tu Nidito Medical Service buildings. On February 12, 2008, Mayor and Council adopted Ordinance No. 10501, effectuating the rezoning.

Applicant's Request – To rezone the R-2 parcel to P to accommodate additional parking for proposed use as a medical outpatient facility for CODAC Behavioral Health Services.

Planning Considerations – The *Northside Area Plan (Plan)* and *Plan Tucson* provide policy direction for the rezoning site. Sensitivity to the adjacent residential neighborhood is a high priority within the *Northside area Plan* and *Plan Tucson*.

Northside Area Plan: Policy direction is provided by the General Goals and Policy Section of the *Plan*. The *Plan* encourages a mix of residential and nonresidential land uses at appropriate locations, while protecting the integrity of existing neighborhoods. The *Plan* also supports and emphasizes protecting neighborhoods from non-local traffic while providing for the continued development of key city-wide transportation corridors. Conversion of residential land uses to non-residential is supported when the site fronts on an arterial street, and all parking and maneuvering can be met within the development area. The change in land use is also supported by the *Plan* when the site design fosters and integrates with the adjacent non-residential land uses, minimizes access points, and parcels are consolidated. Sensitivity to adjacent residential development is promoted with appropriate screening and buffering. The General Design Guidelines Section also supports appropriate decorative screen walls and landscaping with ground cover and trees along project perimeters adjacent to residential development and along the arterial street frontage. Signage should be integrated into the landscape scheme.

Plan Tucson: The proposed development is consistent the applicable Land Use, Transportation, and Urban Design Policies (LT) of *Plan Tucson*, and the supporting Guidelines for Development Review. This site is within a Neighborhood Center Corridor along Fort Lowell Road, which acknowledges small businesses surrounded by housing and accessed internally and from nearby

neighborhoods. *Plan Tucson* Guidelines encourage proposed commercial expansion and the consolidation of parcels for office and commercial use, subject to sensitivity and compatibility with surrounding land uses.

The proposed rezoning site is rectangular in shape and approximately 226 feet long by 107 feet wide and located on the north side of Fort Lowell Road. The rezoning site parcel is somewhat deeper (approximately 18 feet) than the parcels to the east or west fronting Fort Lowell Road. Parcels to the north and west are zoned R-2 and developed for residential use. The parcels to the north of the rezoning site contain residential structures within five feet of the common property line. The parcel to the east is the existing two-story office building to be served by the proposed parking lot.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development (the medical outpatient facility) will generate 604 vehicle trips per day with PM peak at 99 trips. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The request to rezone to P is driven by the desire to relocate/expand a medical outpatient treatment center which serves the Tucson community. The proposed project consists of two parcels, one with existing buildings, parking, and landscaping which does not meet the current code requirements for the proposed medical outpatient facility, the other with the incomplete student housing development (the subject rezoning site).

Sensitivity to the adjacent residential neighborhood is a high priority to the *Northside Area Plan* and *Plan Tucson*, the creation of a mitigation plan is promoted when requesting a change of zone from residential to non-residential uses and residential development. The northern boundary of the rezoning site (R-2 to P zone) should include a 25 foot landscape/buffer area to provide a transition between new parking lot and the interior of the residential neighborhood to the north.

At the October 3, 2013 neighborhood meeting, the minutes indicate the proposed hours of operation are 8:00 a.m. to 5:00 pm., Monday through Friday. It is appropriate to allow some flexibility in the structured hours of operation that may be needed to accommodate clients with a conflict in work schedules and appointment needs. Staff support hours of operation between the hours of 7:00 AM and 8:00 PM during the week and 7:00 AM and 6 PM during the weekends. The minutes also indicate the current location has had outdoor security issues with clients/customers and a desire by the neighborhood to have a contact to report such activities. Staff supports a communication plan be developed that includes the direct neighborhood contact. The contact person should work closely with the surrounding neighborhoods and have the ability to address issues and concerns raised by area residents.

Privacy of the adjacent residential neighborhood can be increased by restricting the parking area located to the north of the existing building to employees only. The PDP also indicates an

employee rest area adjacent to the northern property line and located near the dumpster enclosure. Staff recommends that the rest area be relocated towards the western alignment of the building to minimize its impact. This area should contain seating and be located away from client use areas.

The current PDP does not include an outdoor lighting plan, or show any outdoor building lights or security lighting. Staff recommends an integrated lighting plan be included in the PDP which limits spill-over light, and provides for even lighting over the entire site.

Drainage/Grading/Vegetation – FEMA Floodplain maps indicate the subject site is located within a Zone AE flood area associated with the Navaho Wash. A Floodplain Use Permit will be required for the proposed redevelopment. The site must also comply with the Rainwater Harvesting Ordinance (No. 10957). The design shall promote proper drainage over time to minimize mosquito population. Staff recommends that the landscape plan be designed to minimize the Urban Heat Island Effect.

Road Improvements/Vehicular Access/Circulation – The PDP reflects that the proposed parking area will be accessed from the existing office condominium site only and that the existing driveway locations on to Fort Lowell Road, an arterial street, shall not be altered.

A bus stop is located approximately 50 feet west of the eastern most driveway of the developed site, which will assist in providing multimodal transportation for the medical outpatient facility. The developed portion of the Fort Lowell frontage contains a public sidewalk; currently the undeveloped portion of the site contains no pedestrian facilities. However, the current sidewalk does not appear to conform to Americans with Disabilities Act (ADA) standards and does not provide direct connectivity to the developed or undeveloped portion of the site. Staff recommends that the sidewalk be expanded onto the undeveloped portion of the project, and that the appropriate connections between the proposed development and public sidewalk system be provided. The approved PDP should also reflect striped pedestrian cross-walks on any located between the designated outdoor employee rest area or designated smoking areas. All ADA parking spaces and bicycle parking facilities should be located near the entrance of the facility for safety and ease of patient access.

Conclusion – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Northside Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.



MEMORANDUM

DATE: January 8, 2014

TO: Linus Kafka
Zoning Examiner

FROM: Carolyn Laurie
Lead Planner

SUBJECT: C9-13-12 CODAC – Fort Lowell

Please find attached supplementary items for your consideration and review. Jeff Hunt, Cypress Civil Development has prepared the following meeting summaries pertaining to additional community/public outreach for this project. CODAC and their consultants have viewed this as a continuing process and have held several meetings since the submittal of the rezoning application.

Additionally, staff is currently in discussions with Jeff Hunt and Keri Silvyn, Lazarus, Silvyn and Bangs PC, concerning the preliminary condition for the case. These items are generally clarified prior to the case being made public; however staff feels that these discussions are appropriate concerning the delicate matters associated with the proposed redevelopment of the site. Discussions are specifically focused on the Neighborhood Communications Plan, and which items should be addressed within the document. You shall receive the amended preliminary conditions by January 10, 2014.



MEMORANDUM

DATE: January 10, 2014

TO: Linus Kafka
Zoning Examiner

FROM: Carolyn Laurie
Lead Planner

SUBJECT: C9-13-12 CODAC – Fort Lowell

Please find attached the amended preliminary conditions for your consideration and review. As previously stated, staff has been in discussions with Jeff Hunt and Keri Silvyn, concerning the preliminary condition for the case. These items have been generally clarified at this point. Additional review and clarification of the Neighborhood Communications Plan is anticipated during the hearing scheduled for January 16, 2014.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated October 22, 2013 is to be 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 (I) 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. A 25-foot wide landscape buffer with an average of one tree for every 25 linear feet shall be provided along the north property line within the parcel zoned Parking (P). ~~rezoning site.~~

9. Hours of operation between Monday and Friday from 7:00 AM to 98:00 PM, and weekends from 7:00 AM to 56:00PM.
10. ~~An approved~~ Neighborhood Communication Plan will be on file with Planning and Development Services, which names a direct contact and addresses neighborhood communication and outreach.
11. Parking spaces north of the building shall be for employee use only and shall be identified with appropriate signage.
12. Delineation of a dedicated employee rest area. The rest area will be located a minim of 25 feet away from residential housing units.
13. An integrated outdoor lighting plan, in compliance with the Outdoor Lighting Code (OLC), shall be included in the development plan package. The plan shall show even lighting distribution over the entire proposed site, and shall minimize spill-over light to the north.
14. All ADA parking spaces and short term bicycle parking facilities shall be located adjacent to the building.
15. 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, rustic metal, tile, stone, or brick; a visually interesting design on the wall surface. Metal portions should be painted to match the existing screen wall color, if a natural rustic color is preferred or used, a sealant over the material shall be used. ; ~~varied wall alignments (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.~~
16. A six (6) foot height masonry wall or an appropriate alternative material shall be located along the north, east and western on the property boundaryline. The height of the wall shall be measured on the internal side of the parcel.
17. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

18. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
19. Each detention/retention basin shall include a sediment trap, or other sediment control measures to include rip rap rock at inlet locations, as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.

20. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat unless the basin is operating as a landscape retention basin, in which case, the basin outlet cannot exceed a maximum height of 6", as measure from the basin bottom.*
21. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
22. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
23. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide root zones with a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil; or 600 cubic feet (no deeper than 3 feet) of structured soil that can be compacted at 95%, per manufacturers recommendation, so that pavement can be laid directly over the structured soil while allowing development of roots.
24. There shall be no greater than a ten percent (10%) surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use. Additional spaces may be mitigated on a one to one bases with the planting of additional native canopy trees.
25. Incorporate reflective, ~~pervious paving~~ materials in pedestrian areas, ~~and adjacent to planting areas.~~
26. 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 C9-13-12. New or 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

27. The installation of a six (6) foot wide sidewalk meeting ADA standards along the parcel zoned Parking (P) full frontage of the integrated site. Standard width transition, wheelchair access ramps and site access points shall be provided ~~whent~~ connecting to existing sidewalks.
28. Dedication of right of way along Fort Lowell as required by the Department of Transportation.