

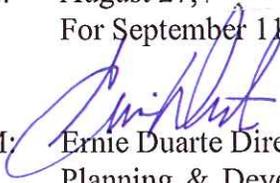


# MEMORANDUM

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DATE: August 27, 2014  
For September 11, 2014 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM:   
Ernie Duarte Director  
Planning & Development  
Services Department

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-13-15 Jetts – 22<sup>nd</sup> Street, C-1 and RX-1 to C-2 (Ward 2)

**Issue** – This is a request by Diana K. Flynn of Architectural Design Group, on behalf of the property owner, Jetts Pantano Exxon, LLC, to rezone approximately 0.77 acres from C-1 and RX-1 to C-2 zoning for automobile sales. The rezoning site is located at the northwest corner of 22<sup>nd</sup> Street and Pantano Road, adjacent to the Pantano River Park (see Case Location Map). Approximately 90 percent of the site is currently zoned C-1, and the eastern portion is developed with an abandoned self-service gas station, including a 559 square foot, 12-foot high enclosed building and attached fuel pump canopies totaling 3,049 square feet. The applicant has submitted documentation indicating the underground fuel tanks have been removed. A small area, totaling approximately 3,600 square feet (0.08 acres) at the westernmost edge of the site is undeveloped land, zoned RX-1.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

### **Background Information**

Existing Land Use: Vacant, former gasoline station

### Surrounding Zones and Land Uses:

North: Zoned C-1; Commercial Retail  
South: Zoned SR, C-2; Pantano River Park, Commercial  
East: Zoned C-1; Commercial  
West: Zoned RX-1; Pantano River Park

Previous Cases on the Property: None

Related Cases:

C9-10-04 Desert Toyota – 22<sup>nd</sup> Street, C-1 to C-2 This was a request to rezone 2.51 acres of vacant land located on the south side of 22<sup>nd</sup> Street, approximately 400 feet east of Prudence Road to allow the development of the site for auto sales, including a 1,400 square foot sales office and 217 vehicle spaces to be used for staging, storage and sales of automobiles. On February 23, 2011, the Mayor and Council voted 7 to 0 to authorize the rezoning request.

C9-04-03 Aastro Transmission – 22<sup>nd</sup> Street, C-1 to C-2 This was a request to rezone approximately 3.17 acres from C-1 to C-2 zoning. The rezoning site is located at the northeast corner of Camino Seco and 22<sup>nd</sup>. The preliminary development plan proposes a 24-bay automotive repair facility and related automotive uses totaling 21,650 square feet on 3.17 acres. The application was withdrawn before the rezoning process was concluded.

**Applicant's Request** – The applicant requests C-2 zoning to allow auto sales, with a 559 square foot sales office, a 3,049 square foot canopy with display area for automobiles, and required parking and landscaping.

**Planning Considerations** – Land use policy direction is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. The overall goal of the *PEAP* is to establish guidelines for the future growth, while protecting existing development in the Pantano East Area. These policies are meant to be used in conjunction with the General Design Guidelines.

The rezoning site is located within a mixed-use corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors provide a higher-intensity mix of jobs, services, and housing along major streets. *Plan Tucson* supports commercial uses at the intersections of arterial streets and along major transportation corridors. Compatible redevelopment and intensification of commercial land uses is supported at appropriate locations when adjacent residential neighborhood character and integrity can be protected. Design of commercial uses should be environmentally sensitive, complement adjacent land uses, and enhance the overall function and visual quality of the street, adjacent properties, and the community. Site design is encouraged to conserve and enhance natural habitats and protect healthy and attractive urban vegetation. On-site pedestrian links and open space design should interconnect with public natural areas and support urban trails for pedestrians and bicyclists. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

Twenty-second Street and Pantano Road are developed predominately with commercial and office uses, and some residential uses. Immediately west of the rezoning site is the Pantano River Park, zoned RX-1. The north side of 22<sup>nd</sup> Street, west of the Pantano River, is also zoned RX-1 and developed with a non-conforming contractor's yard. To the south across 22<sup>nd</sup> Street is The Pantano Wash, zoned SR. Immediately to the north along the west side of Pantano Road is a

commercial complex with retail and office space zoned C-1. To the east across Pantano Road is a medical office complex, a United States Post Office Center and apartments in C-1 zoning. Other nearby uses fronting 22<sup>nd</sup> Street include an auto dealership, commercial retail, and offices in C-2 zoning.

The site is made up of two parcels, which must be combined with an Assessor's lot combination; or a Covenant for Development and Use of Real Property must be recorded and submitted as part of the development package. The covenant form may be obtained from the Zoning Review counter at Planning & Development Services Department.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 102 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The preliminary development plan (PDP) proposes redevelopment of the site for auto sales, a use not allowed in the existing C-1 and RX-1 zoning. The enclosed building will remain and be used as a sales office, and the area under the existing canopy will be used for vehicle display, staging, and storage. A total of five vehicle parking spaces are required for customer and employee parking. Display area for sale vehicles is also shown on the PDP in the west portion of the site.

Landscaping, Screening, Urban Heat Island – No building additions or modifications are proposed other than painting of the existing building and canopy in earth tones. Required site improvements, including street landscape borders along 22<sup>nd</sup> Street and Pantano Road, and perimeter landscape borders with screening along the Pantano River Park, will improve the appearance of the site and mitigate urban heat island effects.

Vehicular Access and Circulation – Vehicular access to the rezoning site is proposed from 22<sup>nd</sup> Street, and Pantano Road. Both are identified as arterial roadways with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map. There are two cross-access points with the adjacent commercial site located to the north. Some of the existing parking spaces and PAALs are within the right-of-way for Pantano Road and 22<sup>nd</sup> Street. The applicant is required to apply to the Tucson Department of Transportation for a Temporary Revocable Easement (TRE) to be granted the use of right-of-way area for landscaping, parking, paving, PAALs, and other site improvements. The applicant submitted two PDPs, one showing the proposed uses within the MS&R right-of-way, the other showing a future plan with those uses contained within the property lines in the event the TRE is revoked and the area within the right-of-way may no longer be used.

Required bicycle parking is proposed under the canopy on the north side of the sales office. For safety and security purposes, adequate outdoor lighting should be provided throughout the site.

**Conclusion** – The rezoning request is in substantial compliance with the policies in the *Pantano East Area Plan* and *Plan Tucson*. The site is surrounded by mix of commercial, office, retail, post office, and auto sales uses. With commercial zoning in the vicinity, the proposed vehicle sales use is compatible with surrounding land uses and consistent with policy direction. Approval of the requested C-2 zoning is appropriate, subject to compliance with the attached preliminary conditions.

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated June 27, 2014 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. Prior to Development Package approval, provide approval from Department of Transportation on the use of future right-of-way for landscaping, parking and PAAL along Pantano Road as shown on the submitted preliminary development plan dated June 27, 2014.
7. Provide a recorded lot combination document showing that an Assessor's lot combination has been processed, or provide a recorded Covenant for the Development and Use of Real Property prior to development package approval.
8. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning. The rezoning will be effectuated when a site inspection certifies all rezoning conditions and Code requirements have been met.

### LAND USE COMPATIBILITY

9. Hours of operation for outdoor activities, including but not limited to deliveries/pick-ups and outdoor services associated with the open canopy area are limited to between the hours of 6:00 a.m. and 10:00 p.m.

10. All on-site boundary perimeter masonry walls shall be graffiti-resistant material that incorporates two (2) or more of the following visually appealing design treatments, such as the use of decorative materials like stucco, tile, stone, or brick; a visually-interesting design on the wall surface; and/or a varied wall alignment (job, curve, notch, setback, etc.). The masonry wall adjacent to west property line and the pedestrian trail on Pantano Wash shall include landscaping as a design treatment. Graffiti shall be removed within five working days of discovery.
11. Perimeter wall elevations shall be provided to show compatibility in architectural design and color theme with surrounding land uses. Perimeter masonry wall elevations/detail to be drawn in color and to scale, with dimensions and color palette.

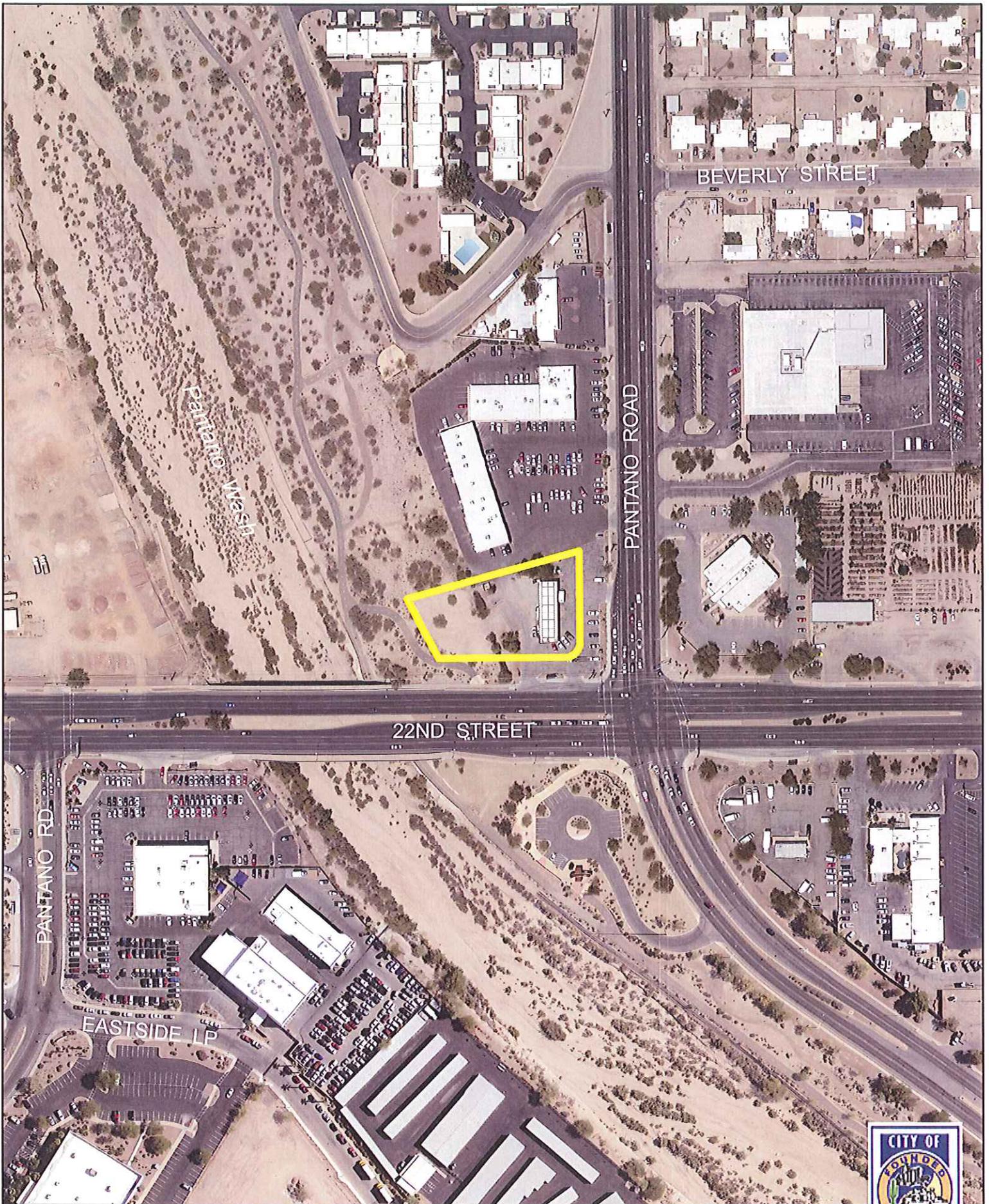
#### HEAT ISLAND

12. 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 C9-13-15. Any new or replacement roofing material shall be either Energy Star rated or rated as a cool roof (initial solar reflection greater than, or equal to, 0.65 and minimum infrared emittance greater than or equal to 85%); utilizing energy of solar panels on the roof will be considered an acceptable alternative.

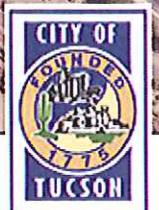
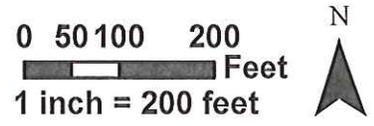
#### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

13. Cross-access points with the adjacent commercial site located to the north of the site shall remain open to connect the properties, as shown on the preliminary development plan dated June 27, 2014.



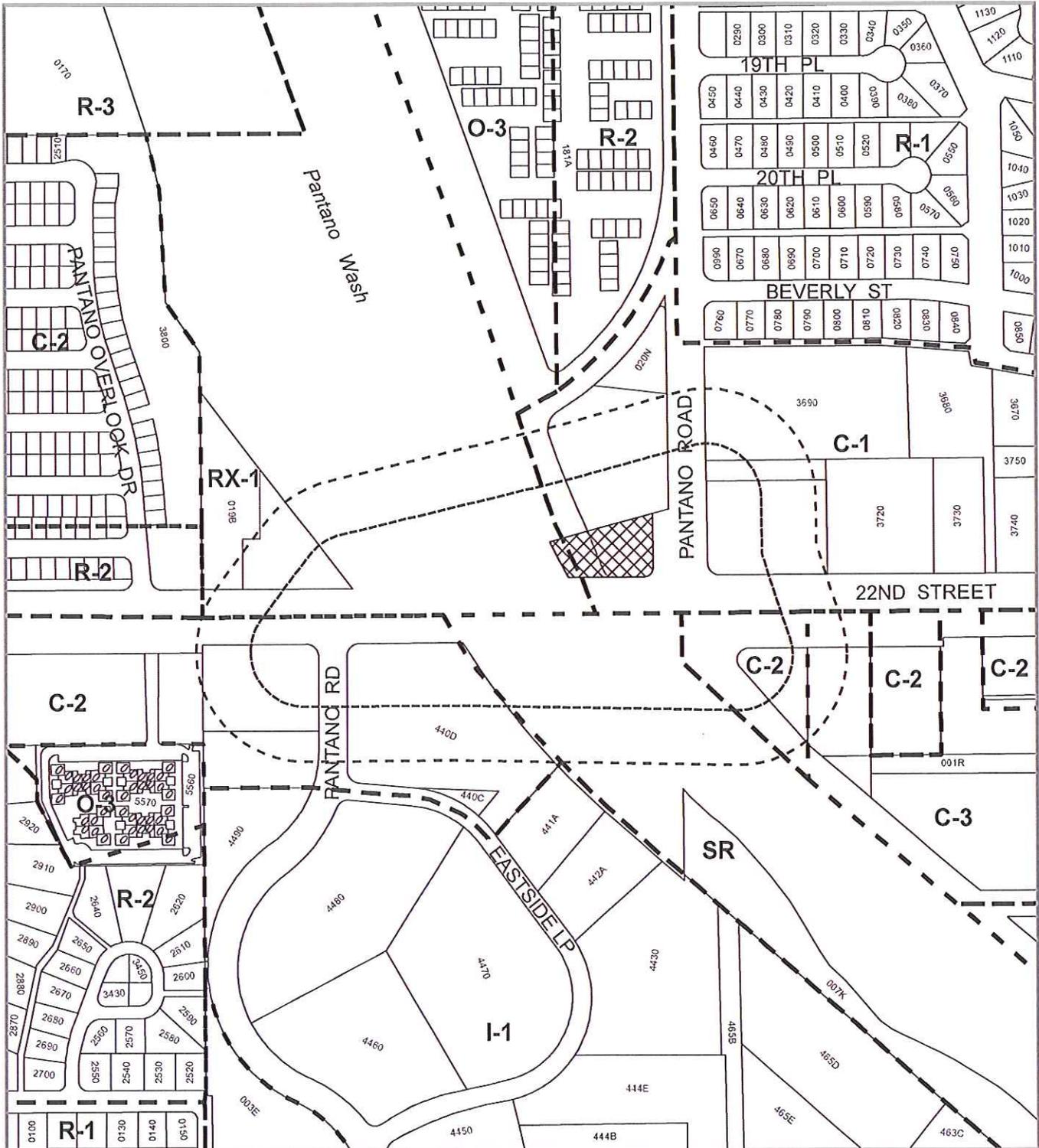


**C9-13-15 Jetts - 22nd Street**  
2014 Aerial



# C9-13-15 Jetts - 22nd Street

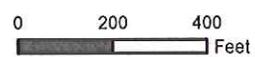
## Rezoning Request: from RX-1,C-1 to C-2



- Area of Rezoning Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries



Address: 7889 E. 22nd Street  
 Base Maps: Sec.17 T.14 R.15  
 Ward: 2



**PUBLIC FACILITIES AND SERVICES REPORT FOR SEPTEMBER 19, 2013**  
(as of August 21, 2014)

**C9-13-15 Jetts – 22<sup>nd</sup> Street, C-1 and RX-1 to C-2**

**CITY AGENCIES**

**Planning & Development Services – Community Design:** See attached comments dated July 28, 2014.  
**Planning & Development Services – Engineering:** See attached comments dated July 17, 2014.  
**Planning & Development Services – Zoning Review:** See attached comments dated July 17, 2014.  
**Planning & Development Services – Landscape:** See attached comments dated July 29, 2014.  
**Office of Integrated Planning:** See attached comments dated July 28, 2014.  
**Transportation – Engineering:** See attached comments dated July 28, 2014.  
**Transportation – Traffic Engineering:** See attached comments dated July 29, 2014.

**No Objections Noted**

**Planning & Development Services – Sign Code**  
**Tucson Fire Department**  
**Tucson Water Department**  
**Planning & Development Services – Zoning Enforcement**  
**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Tucson Parks and Recreation**  
**Tucson Police Department**  
**Planning & Development Services – Landscape**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 102 vehicle trips per day.

**No Objections Noted**

**Pima County Wastewater**  
**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**  
**Tucson Unified School District**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, August 27, 2014 at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing.

**Approvals and protests must have an owner’s signature to be recorded.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-13-15 Jetts – 22nd Street, C-1 and RX-1 to C-2 Zone  
Ward #2**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- APPROVE the proposed rezoning.
- PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner’s Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

C9-13-15

Expose this flap - Affix stamp and return

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City of Tucson PMc  
Planning and Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-13-15  
IMPORTANT REZONING NOTICE ENCLOSED