



**CITY OF  
TUCSON**  
ZONING  
EXAMINER'S  
OFFICE

## Preliminary Report

September 5, 2014

Robert E. Bolt, Trustee  
Electric Deferral Plan – (LCWC) La Casita Water Company, Inc.  
PO Box 65417  
Tucson, Arizona 85728

Jesus Cedeno, Jaca Design, LLC  
P.O. Box 1131  
Marana, AZ 85658

**SUBJECT: C9-14-06 Bolt – Park Avenue, O-3 to C-1  
Public Hearing: August 28, 2014**

Dear Mr. Cedeno,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-14-06 Bolt—Park Avenue. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

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## SUMMARY OF FINDINGS

This is a request by Jesus Cedeno of JACA Design, LLC, on behalf of the property owners, Robert E. Bolt, Trustee, La Casita Water Company, Inc., to rezone approximately 1.33 acres from O-3 to C-1 zoning. The rezoning site is located on the east side of Park Avenue and the north side of Alvord Road. The preliminary development plan proposes a mixed-use development including a 4,000 square foot one-story retail market and seven one-story residential units.

The retail market will sell groceries, baked goods, and meats, but will not sell alcohol or tobacco. To limit the impact of the retail market, hours of operation for outdoor activities, including but not limited to deliveries and pick-ups, trash collection, and amplified music or loudspeakers, will be limited to between 7:00 AM and 9:00 PM, seven days a week. As a mixed use retail and residential development, architectural design will be coherent throughout the development. Buildings will be designed with the same amount of architectural detailing on all sides. Perimeter and screen walls will complement the design and color scheme of the buildings.

The rezoning site is an upside down "L" shaped parcel with one frontage on Park Avenue and one frontage on Alvord Road, near the intersection of those streets. The area surrounding the rezoning site is a mix of vacant land, low intensity commercial development, and residential development. The site wraps around two parcels, currently zoned O-3. One parcel is developed with two one-story single family residences and the other is vacant. Parcels to the west across Park Avenue are zoned R-2 and either developed with single and multi-family residential dwellings or vacant. To the south, across Alvord Road, is a one story multi-family residential building, and a 25 unit, three-story apartment building, both zoned O-3. To the east is a religious use, zoned R-2. To the northeast is a two-story apartment complex zoned O-3. To the north of the rezoning site is land zoned C-1, developed with a restaurant and attached residence.

The rezoning site has frontage on both Park Avenue and Alvord Road. Park Avenue is identified as an arterial street on the *Major Streets and Routes Plan* map. Alvord is a local street. Primary access for the retail market is from Park Avenue. Secondary access is from Alvord Road. An internal driveway will connect Park Avenue to Alvord Road through the development.

Land use policy direction for this area is provided by the *Kino Area Plan* and *Plan Tucson*. The rezoning site is located within an existing neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are characterized in *Plan Tucson* as largely built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected in the next few decades. The goal is to maintain the character of these neighborhoods while accommodating some new development and encouraging reinvestment, services, and amenities that contribute to further

neighborhood stability. Environmentally sensitive infill projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines are supported when they enhance the overall function and visual quality of the street, adjacent properties, and the community. Urban heat island effects should be mitigated. New development should utilize solutions and strategies included in the Design Guidelines Manual.

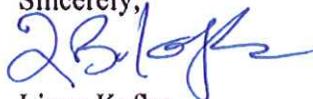
The *Kino Area Plan* goals include providing a balance of uses and a wide range of activities, including employment, shopping, housing, and recreation. Additional residential units should be encouraged, including duplexes, apartments, and townhouses. Commercial functions should be designed to best serve the needs of the neighborhood, community, and region.

**CONCLUSION**

The proposed rezoning is consistent with, and supported by the *Kino Area Plan* and *Plan Tucson* which supports industrial development at this location. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of C-1 zoning.

Sincerely,  
  
Linus Kafka  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
cc: City of Tucson Mayor and Council

PROCEDURAL

1. A development package in general compliance with the preliminary development package and required reports dated, June 12, 2014, covering the rezoning site together with parcel number 140-25-061A 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.

LAND USE COMPATIBILITY

7. All non-residential land uses conducted on-site shall be a minimum of one-hundred (100') feet from east property line.
8. Site improvements to include on-site freestanding signs to read "Private Drive," to be installed at the following locations; 1), At the Alvord Road entrance and 2), Park Avenue access, at the point where the on-site PAAL enters the residential land uses.

9. Perimeter landscape borders adjacent to residentially zoned or use properties shall have native thornless drought tolerant tree for every twenty linear feet.
10. A perimeter masonry wall shall be required adjacent to residentially zoned or use properties. Perimeter walls shall be constructed at a minimum height of six feet, except the western 55 feet of the north property line shall be no less than 2'-8" (32") feet in height.
11. 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.
12. Non-residential land uses shall have hours of operation, including deliveries/pick-ups, and trash pick-up, and outdoor activities limited 7:00 AM to 9:00 PM.
13. Building height is limited to 18 feet.
14. The final development package submittal shall include building elevations submitted to PDSO Community Planning for review. The elevations shall display consistent use of varying materials on all four sides of the proposed building.
15. The dumpster enclosures shall be screened with a masonry wall a minimum of six (6) feet in height. Colors and materials shall be complimentary to the buildings and/or perimeter walls.
16. All perimeter masonry walls and dumpster enclosures visible from a public right-of-way and/or adjacent to existing residential development, 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 varied wall alignments, (jog, curve, notch, setback, etc.). Graffiti to be removed within five working days of discovery.
17. Roof mounted mechanical equipment on the commercial building shall be screened from view.
18. Mature trees, trunk diameter greater than 8" and in fair to good health, located along the northern and eastern landscape perimeter will be preserved in place and incorporated into the landscape plan.
19. Development of the entire site shall be subject to commercial rainwater harvest requirements.

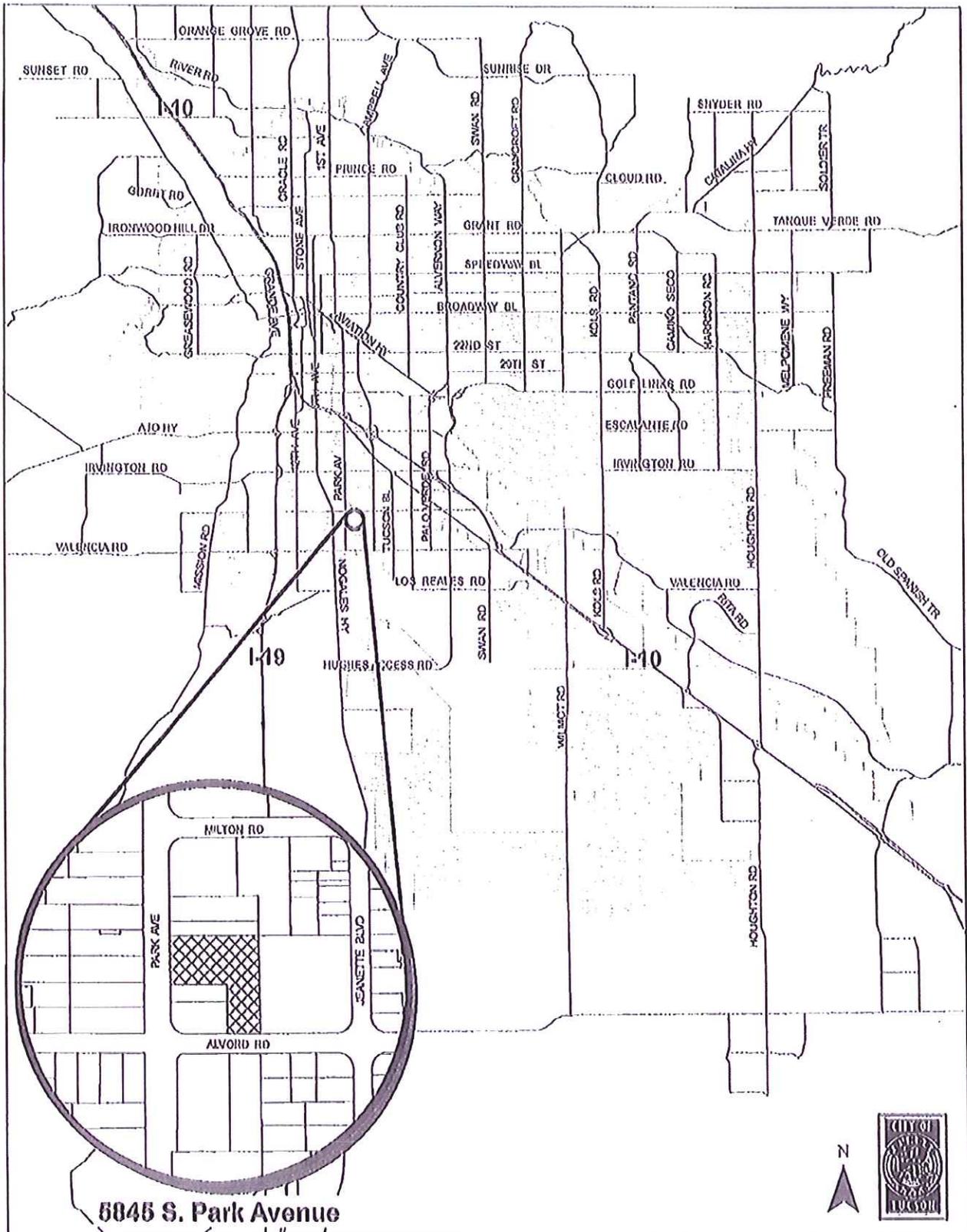
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

20. The submittal of a drainage report that addresses onsite and offsite drainage and its impact on the proposed improvements. The drainage report shall also address the provisions of runoff detention/retention and basins in accordance with the requirements and recommendations of the Stormwater Detention/Retention Manual and the geotechnical report.
21. If bleed pipes are used to drain the retention basin(s), the basin(s) floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
22. Detention/Retention basins shall be located adjacent to a street or accessible common area. Basin side slope in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
23. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
24. Owner/applicant is responsible for providing a special inspection and delivering results to PDSB building codes for the following condition. Provide materials with building permit application and reference rezoning case number C9-14-06. New and replacement roofing material shall be Energy Star rated, or cool roof rated with 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

25. Dedication of additional right of way, along Park Avenue, in accordance with the MS&R Plan requirements.
26. The installation of standard width sidewalks along Park Avenue and Alvord Road frontages, including ADA requirements.

# C9-14-06 Bolt - Park Avenue





C9-14-06 Bolt - Park Avenue  
2012 Aerial

