

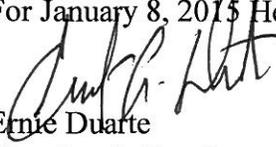


# MEMORANDUM

---

DATE: December 24, 2014  
For January 8, 2015 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM:   
Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-14-11 Family Dollar – Ajo Way  
R-3 to C-1 (Ward 1)

**Issue** – This is a request by Cypress Civil Development, LLC, on behalf of the property owners, Johnson D & B Family, LLC, to rezone approximately 0.8 acres from R-3 to C-1 zoning. The rezoning site is located on the north side of Ajo Way, approximately 220 feet east of Holiday Isle Boulevard (see Case Location Map). The preliminary development plan proposes a 9,100 square-foot building with a maximum building height of twenty-six (26) feet on 1.4 acres of a 2.1 acre parcel for retail use.

**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: self-service carwash facility

### Surrounding Zones and Land Uses:

North: Zoned MH-1; mobile home park  
South: Zoned C-2; convenience store and fuel dispensary  
East: Zoned R-3; two story apartment complex  
West: Zoned C-1; food service

Previous Cases on the Property: none

### Related Case:

C9-09-10 Quik Trip – Ajo Way, R-3 to C-2 This was a rezoning request for 5.6 acres located directly south of the Holiday Isle Boulevard and Ajo Way intersection to allow the development of a convenience store/gas station, automated car wash and auto parts sales and service center,

Mayor and Council adopted Ordinance No. 10794 and on June 25, 2010, the final plat was recorded, effectuating the requested zoning.

**Applicant’s Request** – “Development of a new 9,100 sf retail building and the associated paved access, parking, utility, drainage and landscaping infrastructure in accordance with City of Tucson requirements.”

**Planning Considerations** – Land use policy direction for this area is provided by the *Santa Cruz Area Plan* and *Plan Tucson*. The rezoning site is located within an “Existing Neighborhoods” Future Growth Scenario Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected. The goal is to maintain the character of these areas while accommodating new services. 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.

The *Santa Cruz Area Plan* identifies this parcel within Key Parcel 6 which supports commercial development services at major intersections. Plan policies support related commercial services in new and existing neighborhoods on a case-by-case basis and depending on specific market conditions. It also directs new development within or near existing neighborhoods to be designed and scaled to be compatible with existing neighborhood characteristics. Plan policies support the proposed use given its location relative to a signalized intersection and Interstate roadway as well as the surrounding neighborhood and commercial developments.

The parcel is located approximately 220 feet east of the signalized intersection at Ajo Way, a Gateway Route according to the *Major Streets and Routes Plan Map*, and Holiday Isle Boulevard, a local street. Holiday Isle Boulevard serves as a collector. Parcels abutting the intersection are commercial zoned and developed. The proposed redevelopment on 1.4 acres of the parcel with commercial services is compatible in mass and scale with surrounding land uses.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 404 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

**Land Use Compatibility** – The southern portion of the inverted ‘L’ shaped parcel is currently developed with a self-service carwash facility. The preliminary development plan proposes the demolition of the carwash facility in order to construct the retail building. The area proposed for the new commercial building is zoned R-3 and C-1. The R-3 portion will require a minimum C-1 zone to allow for retail sales. The portion of the parcel to be developed is compatible in mass and scale with the surrounding land uses.

Although the apartment complex to the east is two-story, it is the exception to the prevailing building height and mass within the immediate area. The Design Compatibility Report states that a twenty (20) foot building height is proposed for the majority of the new building with a front section of the building that will be twenty-six (26) feet tall facing Ajo Way. Given that this site is adjacent to a Gateway Route, the front face of the building should be designed in a manner to be compatible with and compliment the character of neighborhood.

Drainage/Grading/Vegetation – The remaining R-3 and MH-1 zoned land will hold a detention basin to capture stormwater runoff. The detention basin has been configured in a manner so as to minimize impacts to existing trees. This portion of land will also serve as a buffer between this project and the mobile home park to the north. A 40-foot wide landscaped buffer is also provided on the east side, between the proposed building and perimeter wall along the east property line.

Road Improvements/Vehicular Access/Circulation – Ajo Way is scheduled to be improved to a two-lane divided highway with a dedicated right and left turn lane to Holiday Isle Boulevard. As part of an agreement with Arizona Department of Transportation (ADOT), the site shall be designed in respect to the final configuration of Ajo Way. As such, the development shall install a right-in, right-out only median in the proposed driveway to the site.

Cross access is provided to the west adjacent commercial development as depicted on the preliminary development plan with pedestrian connectivity to public sidewalk systems as requested by staff. Parking, trash collection, and loading activities are located to the south and west sides of the building, away from adjacent residential uses.

**Conclusion** – The proposed land use is consistent with the *Plan Tucson* and the *Santa Cruz Area Plan* and in keeping with the character of the area. The C-1 zone is consistent with commercial uses in the immediate area. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. The development package, in accordance with the *Administrative Manual*, Section 2-06, shall be in substantial compliance with the Preliminary Development Plan submitted on October 20, 2014 which clearly illustrates compliance with all conditions through the use of details, diagrams and/or notes.
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. Building height shall be limited to 26 feet.

Preliminary Conditions

9. Noise generating activities (such as loading zones and dumpsters) to be located a minimum of 50-feet from residentially developed or residentially zoned properties.
10. Outdoor lighting to be downward-facing and shielded away from neighborhood. No light poles along shared wall to the east.
11. All proposed 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, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations. Graffiti to be removed within seventy-two (72) hours of discovery.

DRAINAGE/GRADING/VEGETATION

12. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
  - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures, to include rip rap rock, 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.
  - b. 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 standing water cannot exceed a maximum depth of six (6) inches.
  - c. 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.
  - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
  - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
  - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

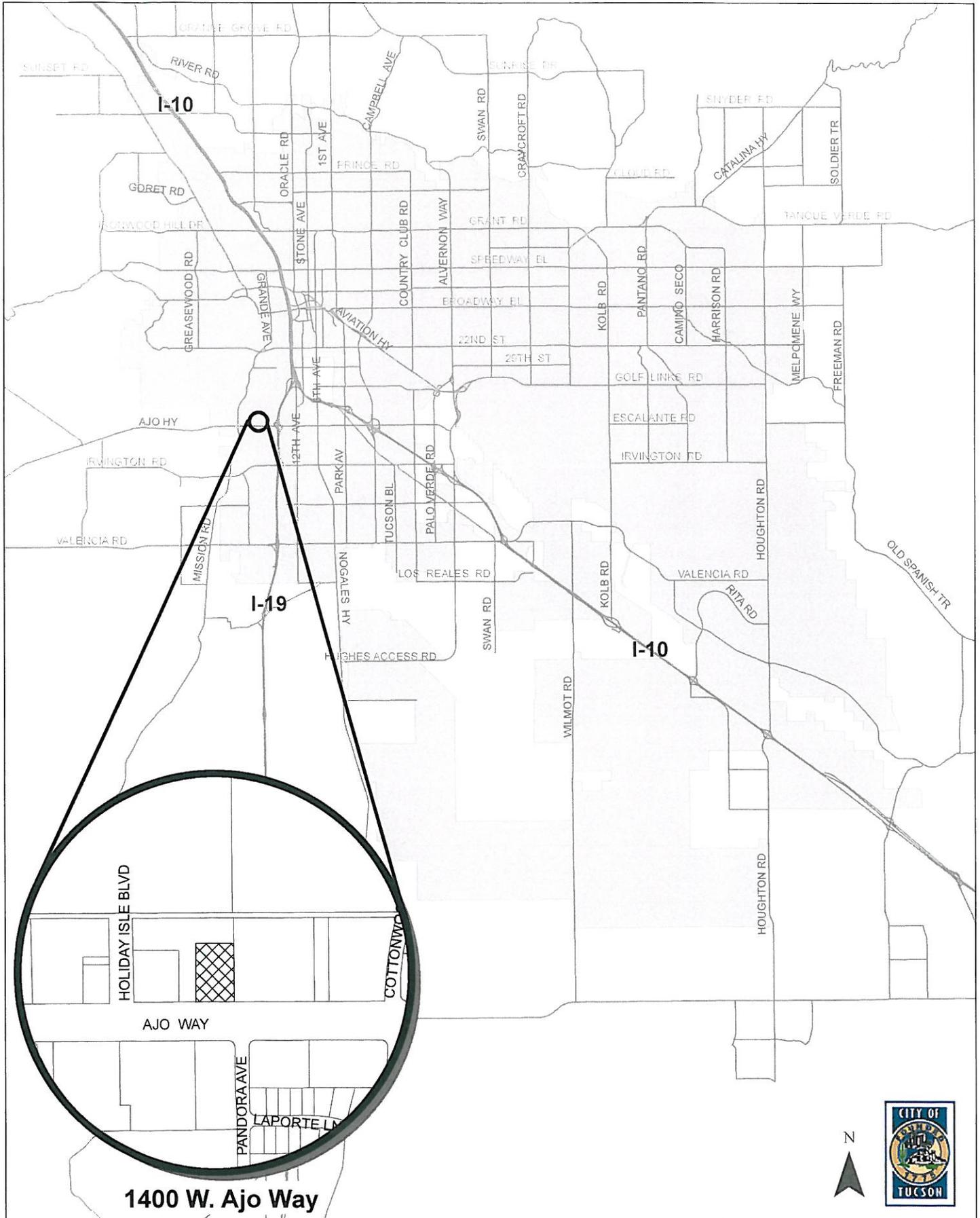
Preliminary Conditions

13. Regarding the drainage systems, bleed pipes or other systems to allow for positive gradient, shall be used to drain any basin or water harvesting areas. Positive gradient will be required to assure 12-hr drain-down time is achieved for drainage systems.
14. On-site flow lines may not collect at, or convey water to, the front edge of solid waste pick-up areas.
15. 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.
16. 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 C9-14-11. 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

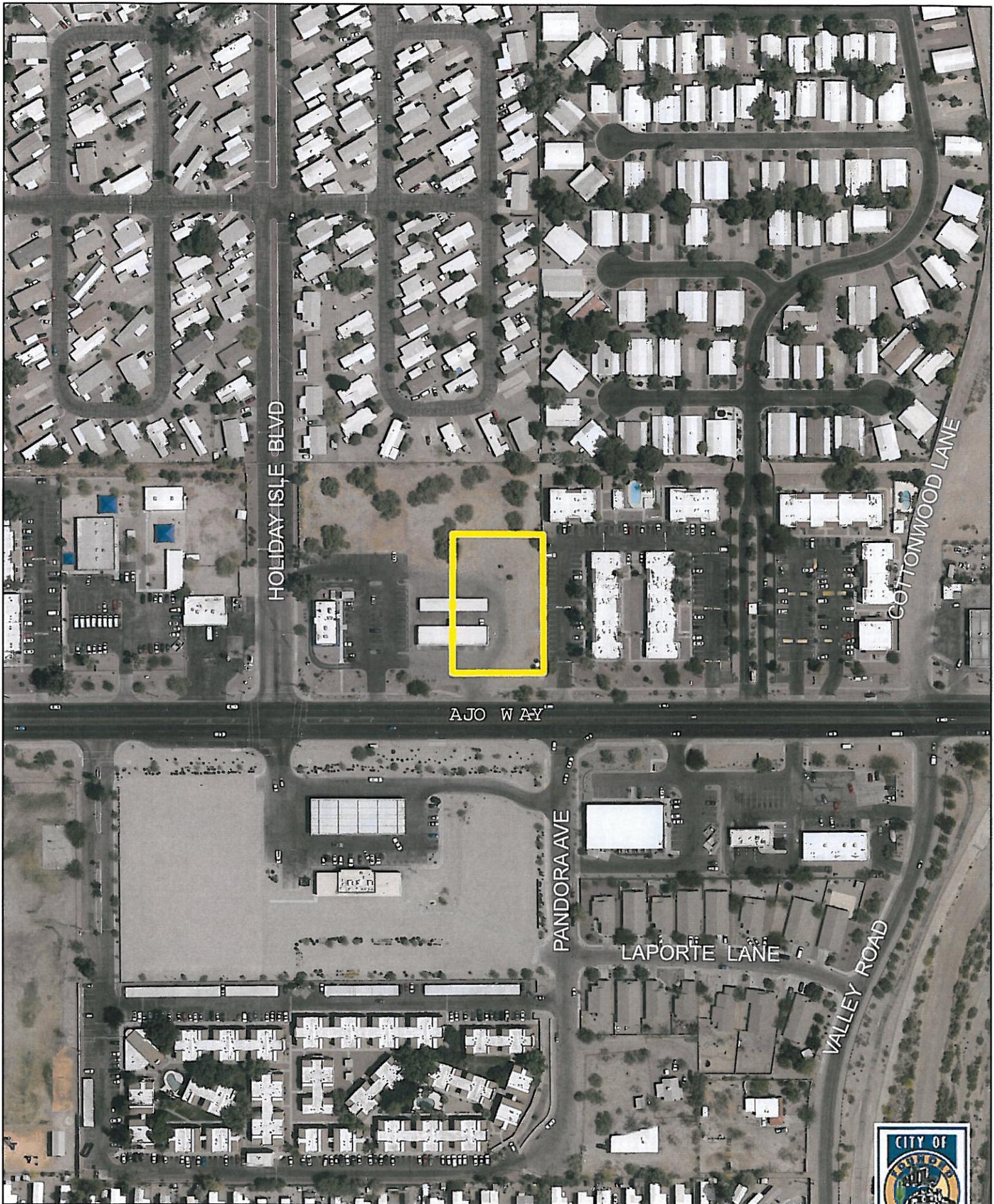
17. Access along Ajo Way shall be restricted to “right in” and “right out” only.
18. Cross access to the west adjacent parcel shall be provided to ensure access to Holiday Isle Boulevard.

# C9-14-11 Family Dollar - Ajo Way



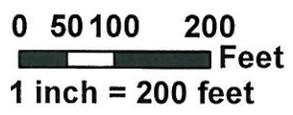
1400 W. Ajo Way





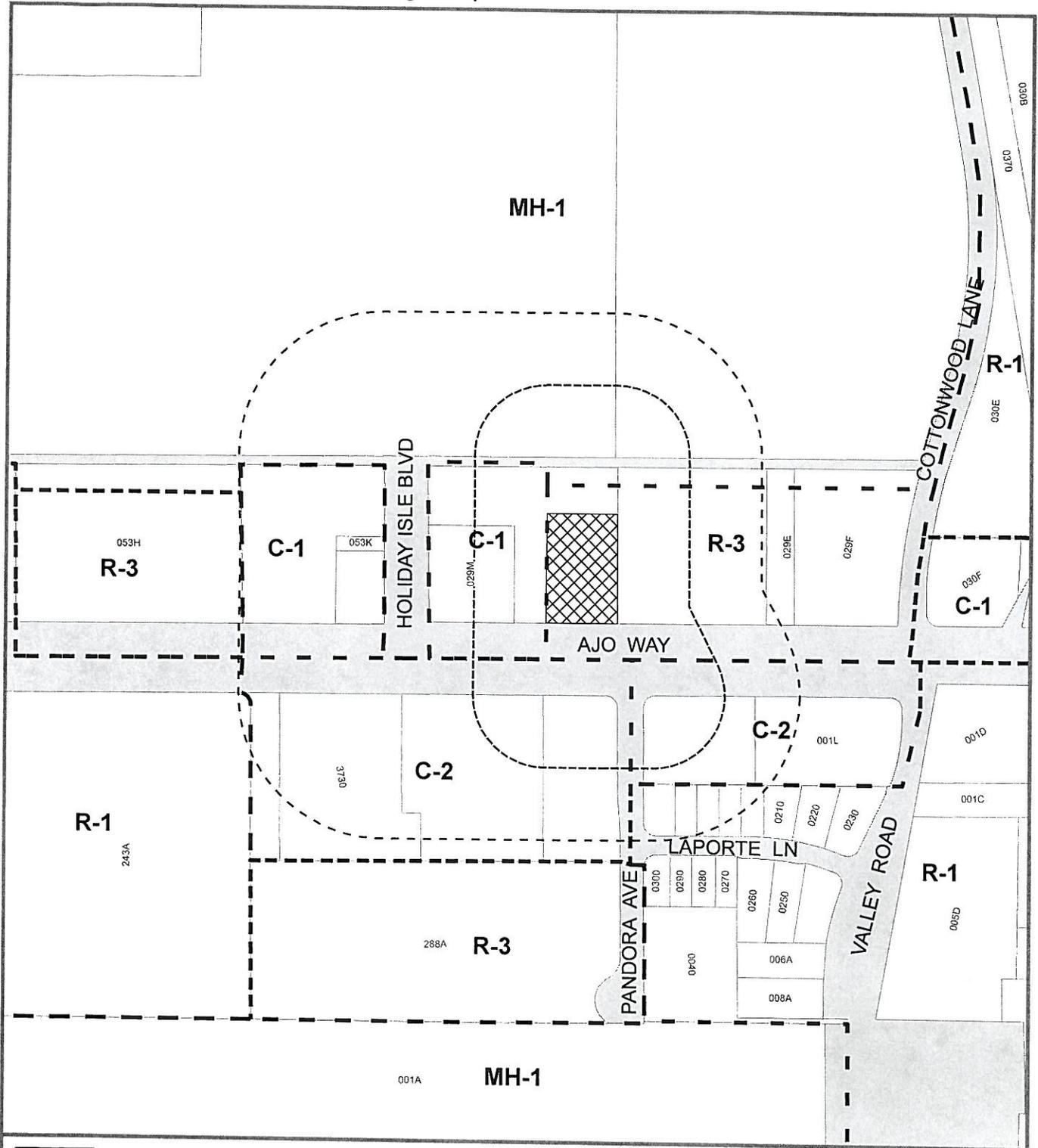
**C9-14-11 Family Dollar - Ajo Way**

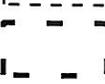
2014 Aerial



# C9-14-11 Family Dollar - Ajo Way

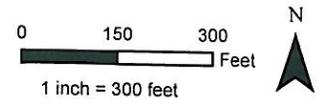
## Rezoning Request: from R-3 to C-1



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



Address: 1400 W. Ajo Way  
 Base Maps: Sec.26 T.14 R.13  
 Ward: 1



**PUBLIC FACILITIES AND SERVICES REPORT FOR JANUARY 8, 2015**  
(as of November 14, 2014)

**C9-14-11 Family Dollar – Ajo Way, R-3 to C-1**

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 10/30/14.  
**Transportation – Traffic Engineering:** See attached comments dated 11/4/14.  
**Planning & Development Services – Community Design:** See attached comments dated 11/7/14.  
**Planning & Development Services – Engineering:** See attached comments dated 11/12/14.  
**Office of Conservation & Sustainable Development:** See attached comments dated 11/12/14.

**No Objections Noted**

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

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 404 vehicle trips per day.  
**Pima County Wastewater:** See attached comments dated 11/13/14.

**No Objections Noted**

**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**  
**Tucson Water Department**  
**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, December 24, 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: C9-14-11 Family Dollar – Ajo Way, R-3 to C-1  
Ward 1**

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

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

**Reason:**

---

---

---

---

---

---

---

---

---

---

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

**C9-14-11      mc**

Expose this flap - Affix stamp and return

---



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

**C9-14-11      mc**  
**IMPORTANT REZONING NOTICE ENCLOSED**