



# MEMORANDUM

DATE: September 17, 2014  
For October 2, 2014 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-4-08 Arizona Lotus – Copper Street  
R-2 to I-1 (Ward 3)

Issue – This is a request by Joseph Maher, on behalf of the property owner, AZ Lotus Corporation, to rezone approximately 7.82 acres from R-2 to I-1 zoning. The rezoning site is located 1160 feet north of Grant Road and 220 feet west of Jackrabbit Avenue (see Case Location Map). The preliminary development plan proposes two 68,500 square foot, two-story, 45 foot tall buildings.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of I-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: vacant

### Surrounding Zones and Land Uses:

North: Zoned R-2; Santa Cruz River  
South: Zoned I-1; industrial buildings  
East: Zoned I-1; industrial storage and buildings  
West: Zoned R-2; communication towers

Previous Cases on the Property: none

Related Cases: none

**Applicant's Request** – “Industrial – warehousing – commercial – office uses.”

**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 a designated business center as identified on the Future Growth Scenario Map of *Plan Tucson*. Business centers are major

commercial or employment districts that act as major drivers of Tucson's economy, and include commercial, office, industrial, or retail uses. Within business centers, Plan Tucson calls for environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. 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 rezoning site is within *Santa Cruz Area Plan* Key Parcel 11. Commercial, office or industrial zoning east of Silvercroft Wash and north of Grant Road is supported. Industrial areas are to be located toward the eastern portion of the area, with access oriented toward Grant Road. New development near existing neighborhoods to be designed and scaled to be compatible with existing neighborhood characteristics.

The rezoning site is an irregular though generally rectangular shape, 450 feet by 800 feet, with the longer dimension oriented north/south. Properties immediately adjacent to the east and south are zoned I-1 and developed with industrial uses. The Santa Cruz River and linear park are to the north, zoned R-2 with C-1 beyond. Three approximately 200 foot tall communications towers are located to the west of the rezoning site on land zoned R-2. The nearest residentially developed property, zoned R-1, is located approximately 350 feet to the southwest beyond the adjacent R-2 and I-1 zoned land, and across Silvercroft Wash.

Access to the rezoning site is from Jackrabbit Avenue connecting to Grant Road. Grant Road is identified as an arterial route on the *Major Streets and Routes Plan* map. Jackrabbit Avenue is a local street serving the industrial area to the east and south of the rezoning site. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 1,270 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The site layout, with two parallel buildings and curbing/fencing screening and containing a truck maneuvering and loading area between the two buildings, and the north south orientation of the truck loading areas, will reduce visual and noise impacts to residential properties to the west and southwest, as well as the river park area to the north. Automobile parking surrounds the exterior of the buildings and truck maneuvering/loading area. To ensure the impact of the trucking use is minimized, truck and trailer storage should not be permitted in the automobile parking areas shown on the preliminary development plan.

Drainage/Grading/Vegetation – Soils in the area are very fine and prone to erosion. A drainage report should be prepared to determine the required erosion hazard setback from the Santa Cruz River and identify the impact of onsite and offsite drainage on the proposed development.

The Pima County Maeveen Marie Behan Conservation Lands System identifies the approximate northern one-acre of the site as part of the Multiple Use Management Area that provides a buffer for the identified important Riparian Area along the Santa Cruz River corridor. Therefore, the landscape border along the full length of the north property line should be native Sonoran Desert vegetation that will include native shrubs, plants and trees of the Sonoran Desert. The adjacent property to the west is under the same ownership and will continue to be zoned R-2. To mitigate the views of the industrial site from the residential property to the southwest and the Silvercroft Wash, an off-site landscape easement should be provided and improved adjacent to the full length of the southwestern property line.

Archeology – Significant cultural resources are known to exist on the site. A cultural resource study should be undertaken prior to the start of any ground disturbing activities and an appropriate treatment plan for the resources should be developed for review by the City of Tucson Historic Preservation Office. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery should stop, the discovery site secured, and the Arizona State Museum immediately notified.

Vehicular and Pedestrian Access/Circulation – Access is via an easement connecting to Jackrabbit Avenue to the east at the Copper Street alignment. Appropriate pedestrian access to Jackrabbit Avenue should be provided within easement. The proposed access easement is approximately thirty (30) feet wide. Proposed traffic increase to access easement may also impact industrial site at 2585 N. Jackrabbit Avenue which abuts the easement on the south, and has a building orientation providing seven bay service doors facing easement.

The preliminary development plan shows 296.8 parking spaces are required and 311 parking spaces are provided. As previously indicated, the Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 1,270 vehicle trips per day. Further information needs to be provided as to how the configuration of the off-site shared access easement will provide adequate ingress and egress for the rezoning site and land locked parcels to the west and south.

Excessive paving contributes to the urban heat island effect which raises the temperature of urban areas. Increasing the reflectivity of paved surfaces and/or, providing shade reduces heat absorption and the heat island effect. If parking in excess of UDC requirements is provided, it should be mitigated with additional native canopy trees.

Conclusion – The proposed land use is supported by and consistent with the direction provided by *Plan Tucson* and the *Santa Cruz Area Plan* regarding land use and compatibility with the scale, density, and character of the surrounding development. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

Preliminary Rezoning Conditions.  
C9-14-08 AZ Lotus Corp. – Copper Street

1. A development package in substantial compliance with the preliminary development package and required reports dated September 10, 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 (l) 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 with a site inspection.

## LAND USE COMPATIBILITY

8. Outdoor activities, such as loading zones, storage/parking of trucks and trailers, diesel generator(s), speakers, and storage of heavy industrial material/equipment, shall be located within the area identified as the "truck wells area."
9. On-site perimeter parking limited to automobile parking (excludes vehicles requiring a Class A, Commercial Driver's License - CDL).
10. All dumpsters and loading zones shall be located at least fifty feet from any residential property line. Dumpsters shall be screened with masonry walls minimum six (6') feet in height and include landscaping adjacent to the masonry walls. Dumpster enclosure walls shall compliment color and texture of principal buildings.
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 to the southwest.
12. The elevations shall display the use of varying complimentary colors and materials along all four sides of the proposed building. This can be in the form of a decorative architectural band along the lower third of the building, a minimum of 3' in height.
13. The development package shall include off-site, integrated pedestrian sidewalk(s) connecting to Copper Street, designed to City standards.
14. All required perimeter screen walls and dumpster enclosures visible from a public right-of-way and/or adjacent to existing 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, rustic metal, 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.
15. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
16. Area identified as future parking area in the preliminary development plan dated September 10, 2014, shall have decomposed granite covering the full area to mitigate dust control until such time as permanent site improvements are approved and developed.

## DRAINAGE/GRADING/VEGETATION SCREENING/HEAT ISLAND MITIGATION

17. The final development package submittal shall include the following:

17.1. The submittal of a drainage report that addresses onsite drainage and offsite drainage and its impact on the proposed improvements. It shall determine the erosion hazard setback and recommend the locations of the new improvements accordingly. The drainage report shall also address the provision of runoff detention/retention basins in accordance with the requirements and recommendations of the Stormwater Detention/Retention Manual.

17.2. 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.

17.3. There is a significant near vertical 22 foot drop off from the proposed parking lot/building. The soils in the area are very fine grain and prone to piping. A geotechnical analysis is required to address this issue.

17.4. If runoff from the parking lot and the building is drained to the north, the drainage report and the geotechnical report shall ensure that the runoff will not adversely impact Pima County property downstream. Due to potential piping problems, water harvesting/retention basins near the pit shall only be allowed based on the recommendations of the geotechnical and drainage reports. If any fill is proposed for the pit area, it might impact runoff from the end of Jack Rabbit Lane and shall be addressed in the drainage report and it shall be reviewed by Pima County Flood Control District to ensure that it does not impact The County's existing levee structure at this location.

18. Pima County Regional Flood Control District:

The final development package submittal shall include a geotechnical analysis to be reviewed by Pima County Regional Flood Control District.

19. The landscape border along the full length of the north property line shall be solely of native Sonoran Desert vegetation that will include native shrubs, plants and trees of the Sonoran Desert. There shall be a native tree planted for every twenty linear feet along the northern perimeter. Where space permits, trees may be clustered to create a more natural growth pattern along the edge of the Santa Cruz River corridor. The native Sonoran Desert vegetation landscape border shall be on a drip-irrigation system for a minimum of two years or more until trees are stable with the annual rain precipitation. Any failed tree, plant, or shrub shall be replaced with native Sonoran Desert vegetation.

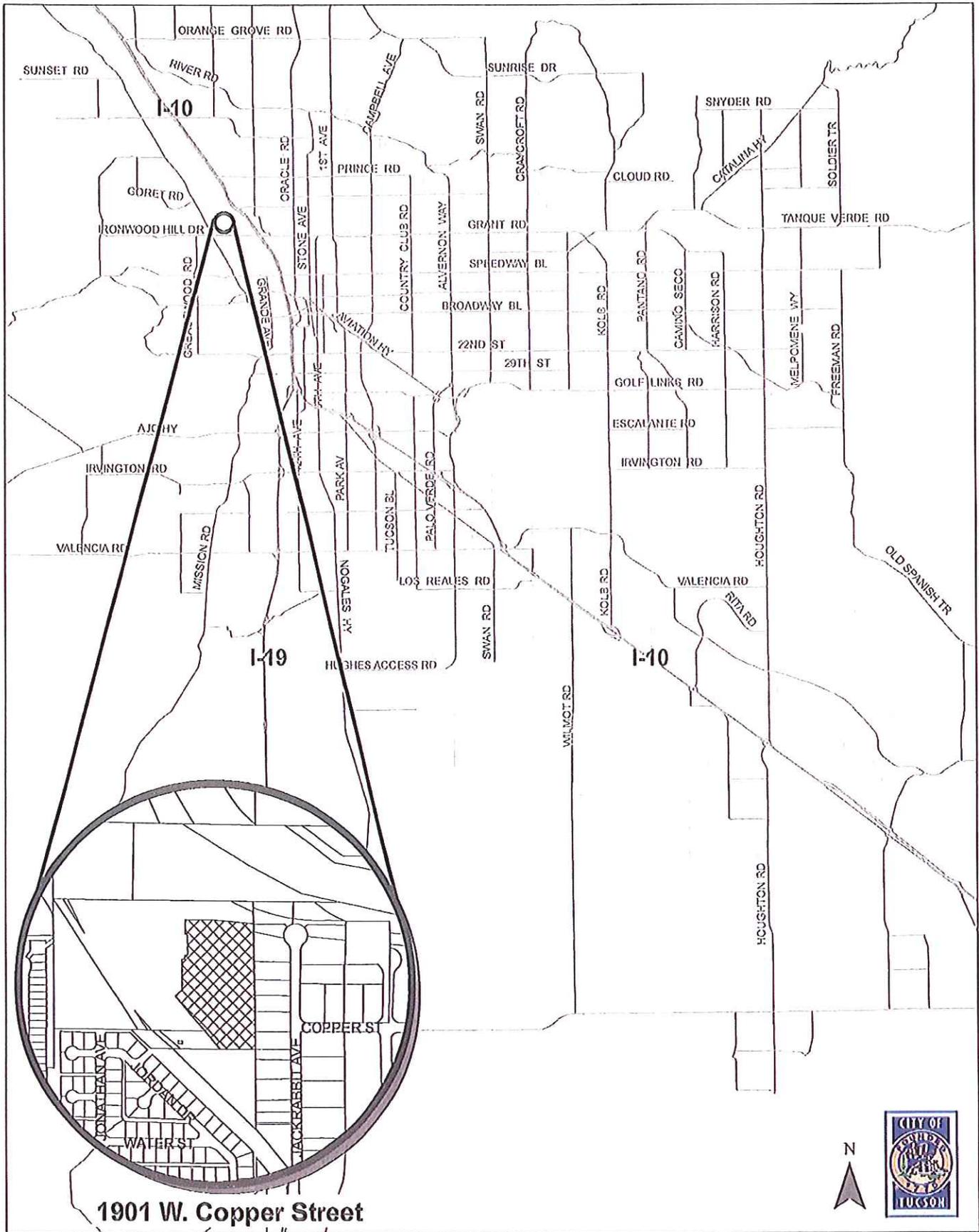
20. The development package shall include a recorded, ten (10) foot wide, off-site landscape easement adjacent to the full length of the southwestern property line with a length of 445 linear feet. Landscape border to include a native Sonoran Desert tree for every twenty-five linear feet, to provide a reasonable visual quality for the residential neighborhood west of Silvercroft Wash.

21. 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. Additional spaces may be mitigated on a one to one bases with the planting of additional native canopy trees.
22. Owner/applicant is responsible for providing a special inspection and delivering results to PDSB building code review for the following condition. Provide materials with building permit application and reference rezoning case number C9-14-08. 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

23. Prior to development plan approval, PDSB staff will determine if additional width will be required to the off-site access easement recorded in DKT, 2694/57. Said off-site easement provides access to six parcels and will be improved by applicant at the time of the on-site improvements and to City standards.
24. A right of way permit or a Private Improvement Agreement (PIA) with the City of Tucson Department of Transportation will be required for any work completed in the right of way, including any possible utility updates.

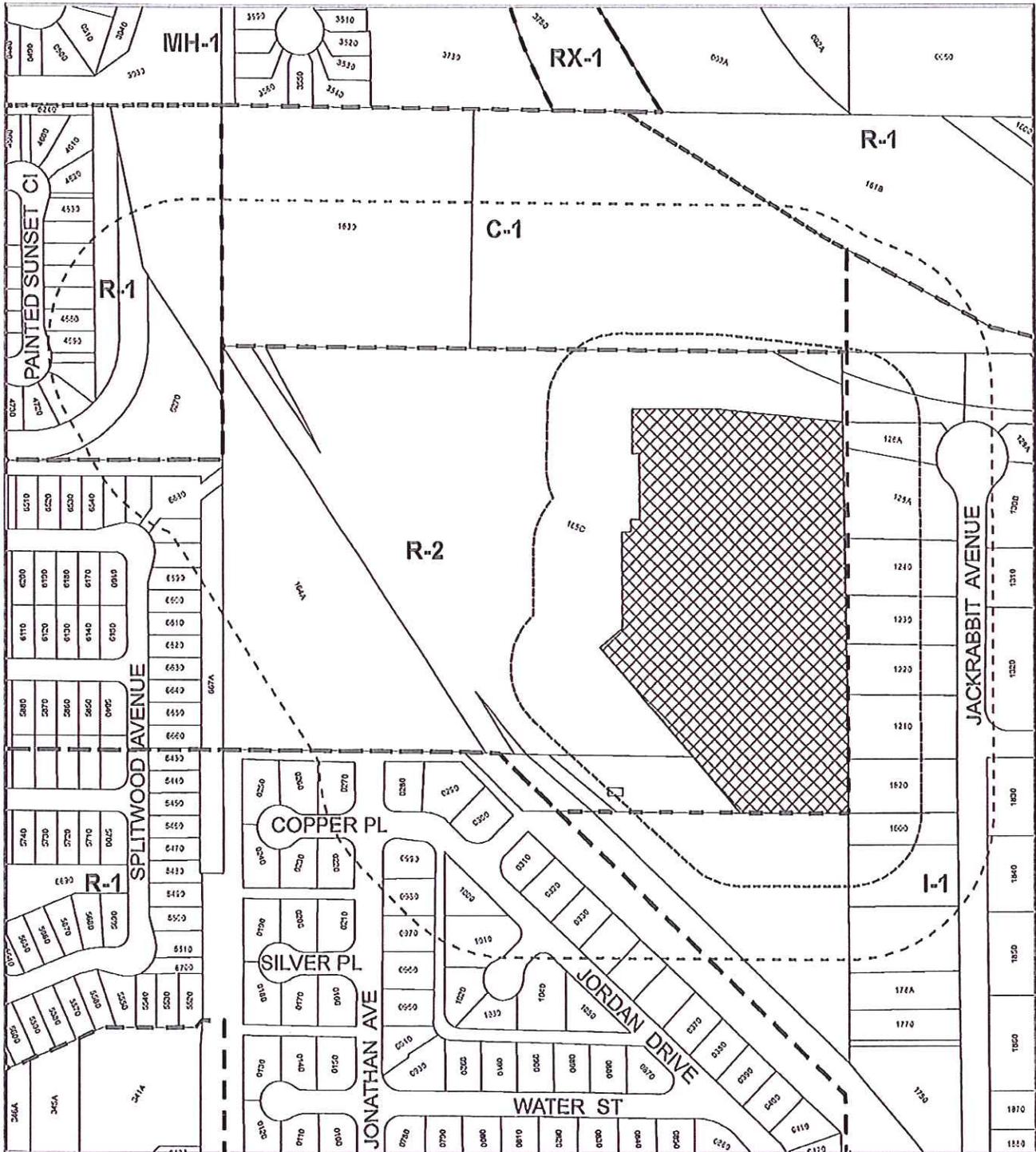
# C9-14-08 AZ Lotus Corp - Copper Street



1901 W. Copper Street



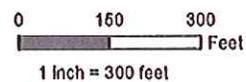
**C9-14-08 AZ Lotus Corp - Copper Street**  
**Rezoning Request: R-2 to I-1**

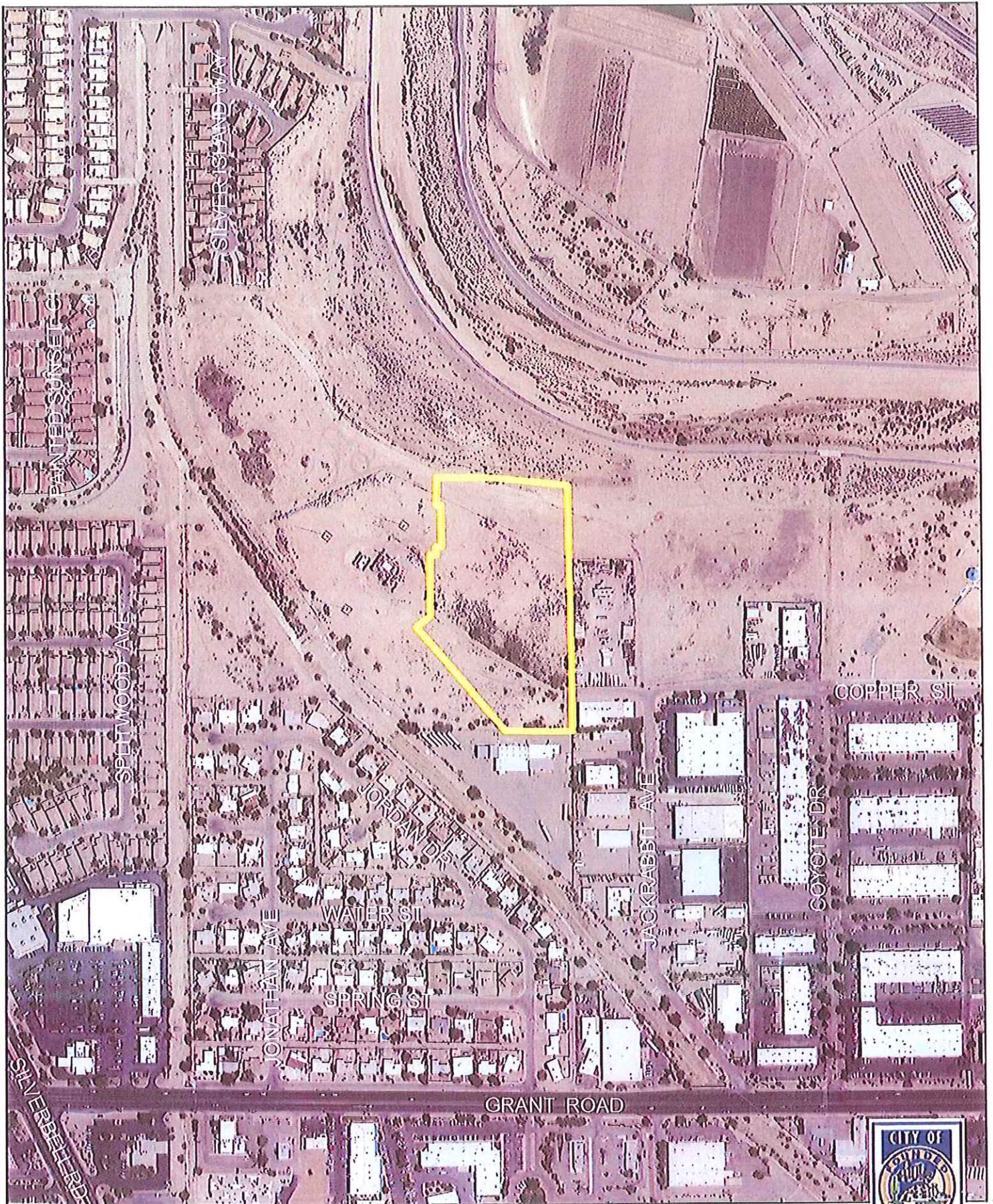


-  Area of Rezoning Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



Address: 1901 & 1920 W. Copper Street  
 Base Maps: Sec.34 T.13 R.13  
 Ward: 3





C9-14-08 AZ Lotus Corp - Copper Street  
2014 Aerial

0 100 200 400  
Feet  
1 inch = 400 feet



**PUBLIC FACILITIES AND SERVICES REPORT FOR OCTOBER 2, 2014**  
(As of September 11, 2014)

**C9-14 08 AZ Lotus Corp. – Copper Street, R-2 to I-1**

**CITY AGENCIES**

**Planning & Development Services – Community Planning:** See attached comments dated August 19, 2014.  
**Planning & Development Services – Engineering:** See attached comments dated August 25, 2014 .  
**Planning & Development Services – Zoning Review:** See attached comments dated September 10, 2014.  
**Parks and Recreation:** See attached comments dated August 27, 2014.  
**Transportation – Traffic Engineering:** See attached comments dated August 26, 2014.  
**Office of Conservation & Sustainable Development:** See attached comments dated August 26, 2014.

**No Objections Noted**

**Planning & Development Services – Landscape**  
**Planning & Development Services – Zoning Enforcement**  
**Planning & Development Services – Sign Section**  
**Department of Transportation, Real Estate Division**  
**Department of Transportation, Engineering**  
**Department of Transportation, RTA**  
**Department of Transportation, Streets**  
**Tucson Fire Department**  
**Office of Integrated Planning**  
**Environmental Services**  
**Tucson Police Department**  
**Tucson Water Department**

**NON-CITY AGENCIES**

**Pima County Development Services:** See attached comments dated August 25, 2014.  
**Pima County Regional Flood Control District:** See attached comments dated August 25, 2014.  
**Pima County Wastewater:** See attached comments dated August 25, 2014.  
**Arizona Department of Transportation –** See comments dated August 25, 2014.  
**Pima Association of Governments –** See comments dated September 11, 2014.  
**Pima County Wastewater Department –** See comments dated August 25, 2014.

**No Objections Noted**

**Pima County Department of Transportation**  
**Davis-Monthan Air Force Base**  
**Pima County Parks and Recreation**  
**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, *September 17, 2014* at  
<http://www.tucsonaz.gov/PRO/pro/devactionsrch.jsp>



### 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: C9-14-08, AZ Lotus Corp. – Copper Street R-2 to I-1 (Ward 3)**

\_\_\_\_\_  
I/We the undersigned property owners, wish to  APPROVE the proposed rezoning.  
 PROTEST the proposed rezoning.

**Reason:**

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| PLEASE PRINT<br>YOUR NAME | PLEASE PRINT<br>MAILING ADDRESS | PLEASE PRINT<br>LEGAL PROPERTY<br>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

msp

Expose this flap - Affix stamp and return

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

C9-14-08  
IMPORTANT REZONING NOTICE ENCLOSED

S:\REZONING\Rezoning 2014\C9-14-08 mailout