



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

**Preliminary Report**  
October 10, 2014

Arizona Lotus Corp.  
Ken Kwilosz, General Manager  
3871 North Commerce Drive  
Tucson, AZ 85705

Joseph Maher  
JM JR Architecture  
4849 East Scarlett Street  
Tucson, AZ 85711

**SUBJECT: C9-14-08 Arizona Lotus Corporation – Copper Street  
Public Hearing: October 2, 2014**

Dear Mr. Maher,

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 C9-14-08 Arizona Lotus Corporation – Copper Street. 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.

## **SUMMARY OF FINDINGS**

This is a request by Joseph Maher, on behalf of the property owner, Arizona 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 in the 1900 block of West Copper Street. The site is currently vacant. The preliminary development plan proposes two 68,500 square-foot, two-story buildings with a height of 45 feet. The applicant proposes to develop the site for industrial, warehousing, commercial, and office uses

Vehicular access to the site is proposed to be 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 Government – Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 1,270 vehicle trips per day.

Immediately to the south and east of the rezoning site are industrial uses, zoned I-1. To the north is the Santa Cruz River and linear park, zoned R-2 and C-1. West of the site are three 200-foot tall communications towers located on parcels zoned R-2. Also on this site is what appears to be a dilapidated structure related to the communications tower use. This parcel is also owned by Lotus Arizona Corp. The nearest residentially developed property is located approximately 350 feet to the southwest, across Silvercrock Wash.

Land use policy direction for this area is provided by the *Santa Cruz Area Plan (SCAP)* 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 Silvercrock Wash and north of Grant Road is supported by the *SCAP*. Industrial areas are to be located toward the eastern portion of the area, with access oriented toward Grant Road. New development near existing neighborhoods should be designed and scaled to be compatible with existing neighborhood characteristics.

**CONCLUSION**

The proposed rezoning is consistent with the policies of the *Santa Cruz Area Plan* and *Plan Tucson* and compatible with the scale, density, and character of surrounding development. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of I-1 zoning.

Sincerely,

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

Linus Kafka  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

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 (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 with a site inspection.

LAND USE COMPATIBILITY

8. Outdoor activities, such as loading zones, 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 parking on the north and west perimeters is limited to automobile parking (excludes vehicles requiring a Class A, Commercial Driver’s License - CDL). Truck and trailer storage/parking shall be permitted on the east and south perimeters, subject to appropriate landscaping and screening walls to minimize visual impact to neighboring properties.
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, or similar alternative architectural features that provide visual interest.
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

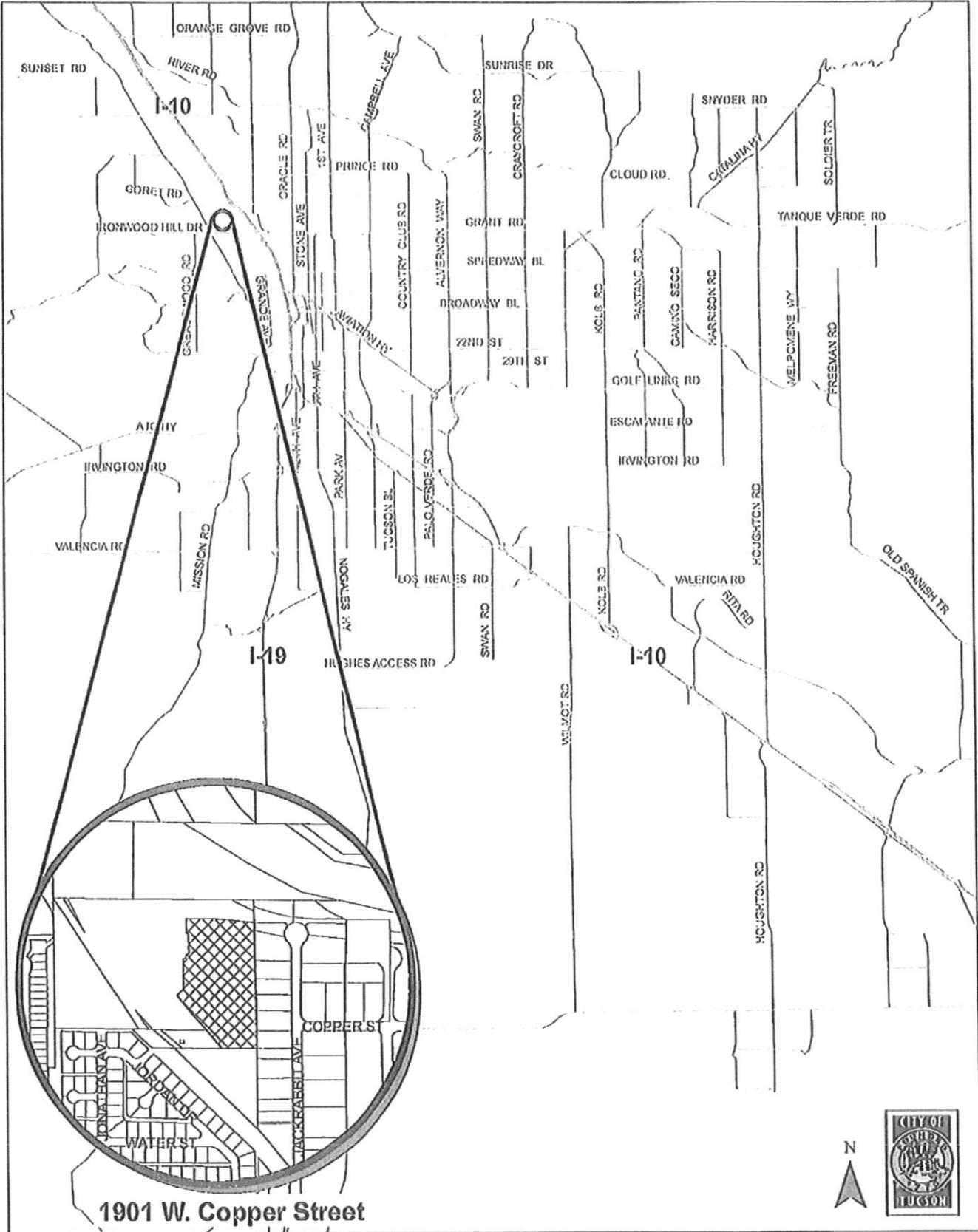
Desert tree for every twenty-five linear feet, to provide a reasonable visual quality for the residential neighborhood west of Silvercrock Wash.

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.

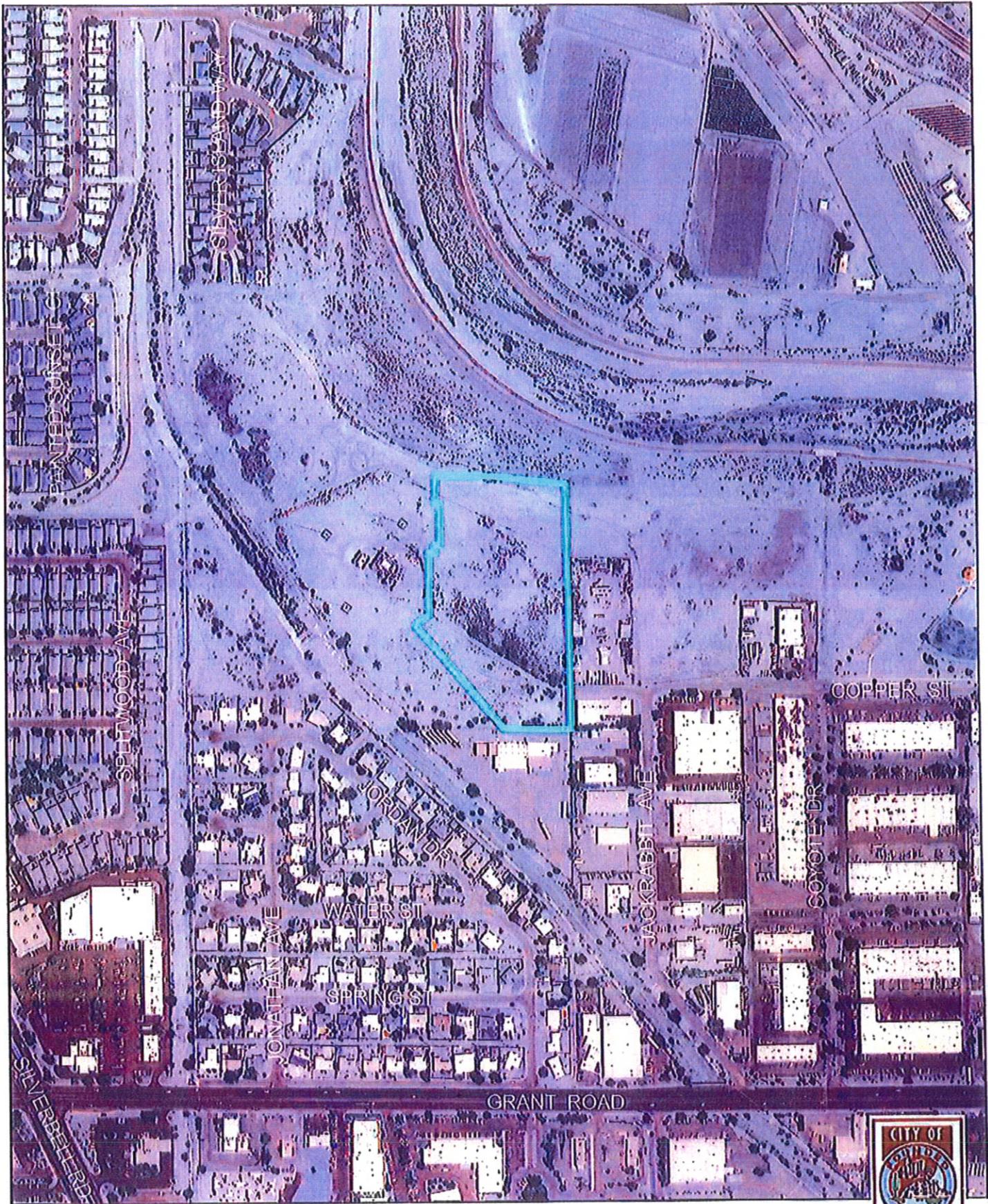
#### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

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  
2014 Aerial

0 100 200 400  
Feet  
1 inch = 400 feet

