



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

June 5, 2015

SE-15-06 The Shops at Midvale – Valencia Road, C-2
Public Hearing: May 21, 2015

BACKGROUND

This is a request by Ali Fakh of Sustainability Engineering Group, on behalf of the property owners, Landmark Title Trust, to allow a Large Retail Establishment Use as a special exception land use in the C-2 zone. The special exception site is located at the southwest corner of West Valencia Road and South Valley Indian Agency Connect Road.

Land use policy direction for this area is provided by the *Santa Cruz Area Plan* and *Plan Tucson*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer commented that four approvals and no protests were received in the formal protest area.

FINDINGS OF FACT

This is a request by Ali Fakh of Sustainability Engineering Group, on behalf of the property owners, Landmark Title Trust, to allow a Large Retail Establishment Use as a special exception land use in the C-2 zone. The special exception site is located at the southwest corner of West Valencia Road and South Valley Indian Agency Connect Road. The preliminary development plan proposes large retail establishment (LRE) shops, a restaurant, and a fueling station on an approximately 13.44 acre site. The proposal includes an LRE with 102,564 square feet, an associated fuel center with a 176 square foot kiosk and 6,880 square foot canopy, and 8,300 square feet of retail/restaurant use.

The special exception site is a simple rectangle, approximately 660 feet by 890 feet, with the longer dimension running north-south. It is surrounded by commercial, retail, and manufacturing uses to the north, east, and directly west, zoned C-2, C-1 and I-1, and C-2 respectively. A religious use zoned Pima County SH is adjacent to the south. Vacant land zoned Pima County SH is adjacent to the southern portion of the west property line of the site. Pima County SH zoning is a low density residential zone, with a minimum lot size of 36,000 square feet.

Vehicular access is proposed from two points on Valencia Road and three points on Indian Agency Road. Valencia Road is identified as a Gateway Route and an arterial roadway with a future right-of-way of 150 feet on the Major Streets and Routes Plan (MS&R) map. Indian Agency Road is a local street. The intersection of Valencia Road and Indian Agency

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Road is signalized. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 19,242 vehicle trips per day.

Two vehicular access drives are proposed along Valencia Road. The east access point will be limited to right-in/right-out due to the existing median in Valencia Road. Three access drives are proposed along Indian Agency Road. The Major Streets and Routes map designates Valencia Road as a Gateway arterial, and Indian Agency Road as a local street. Installation of right-turn deceleration lanes to all driveways along Valencia Road will be required. The City of Tucson Transportation Access Management Guidelines requires a Traffic Impact Analysis (TIA) for any development that generates more than 100 trips during the peak hour. Pima Association of Governments estimates that the proposed developments for this area would generate over 1,000 peak-hour trips.

Land use policy direction for this area is provided by Plan Tucson and the Santa Cruz Area Plan. 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. Plan Tucson identifies a higher-intensity mix of jobs, services, and housing along major streets and promotes commercial uses along major transportation corridors and in or adjacent to regional activity centers and employment centers.

The Santa Cruz Area Plan specifically calls out that commercial uses are appropriate near the intersection of Valencia Road and Indian Agency Road and encourages and supports developments that respond to physical characteristics of the site, and adjacent land use patterns. Development should enhance the visual appeal of the streetscape, and incorporate neighborhood recommendations into site planning and design.

The special exception site was rezoned in from SH to C-2 in 2009 (see previous case C9-07-20 JVBM Properties -Valencia Road, SH to C-2, above). At that time the proposed building area for the development totaled 104,500 square feet in six buildings with a 55,000 square foot anchor retail use, restaurants, a day care facility, and a bank. The new proposal will have 115,040 square feet in four buildings with an over 102,564 square foot LRE anchor, an associated fuel center, and retail/restaurant uses. As an LRE, the proposed project must address the LRE design guidelines

Large Retail Establishment Design Standards - Large Retail Establishments (establishments greater than 100,000 square feet of floor area) are subject to specific design standards as enumerated in UDC Section 4.9.9.D. Variances from the standards are not permitted;

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however, if one or more of the standards cannot be met, the applicant may request approval where there is substantial compliance with the Large Retail Establishment Design Standards. The standards are:

4.9.9.D.

1. Site Design and relationship to Surrounding Community

a. Vehicular Access

The project shall provide safety and protection to adjacent residential uses by having motor vehicle access from a major street as designated by the adopted Major Streets and Routes (MS&R) Plan. Access can also be provided from a street that is not designated by the MS&R Plan, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.

b. Buffers

The project shall provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property. This can be accomplished by providing a minimum building setback of at least 200 feet from a residential use or residentially zoned property that is adjacent to the site. An eight foot high or higher, masonry screen wall and at least a 20-foot wide landscape buffer shall be provided adjacent to the site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on the inside of the screen wall and shall include, in addition to shrubs and groundcover, canopy trees at 20- to 30-foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a noise, light, and visual screen above the screen wall. No other uses, such as, but not limited to, parking or storage, shall be permitted within the landscape buffer area.

c. Outdoor Storage Areas

The project shall mitigate visual and noise impacts on residential uses, residentially zoned properties, and streets that may be adjacent to the site from outdoor storage areas (when permitted by the zone district requirements). The mitigation can be accomplished by locating these areas on-site and at least 200 feet from any residential use or residentially zoned property that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The screen shall be at least eight feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Storage materials shall not be visible above the screen wall. It is preferred that these outdoor storage areas be placed between buildings in a manner that would allow the buildings to act as screens.

d. Trash Collection Areas

The project shall mitigate visual and noise impacts on adjoining residential neighborhood s and streets from trash collection areas by locating these areas on-site and at least 200 feet from any residential use, residentially zoned property, and street that is adjacent to the site. The areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties.

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Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. It is preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash shall be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.

e. Pedestrian Flow

The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be at least eight feet wide and unobstructed and shall connect the public street sidewalks to the main entrances to the stores, transit stops on- or off-site, and other buildings on the site, in addition to providing convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated three foot wide landscape strip for their entire length, except at intersections with parking area access lanes (PAALs). The landscaping shall include canopy trees or other shading devices to shade at least 65 to 75% of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

f. Central Features and Community Spaces

The project shall provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (shall not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development shall have at least two of these features.

g. Delivery and Loading Spaces

(1) Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be setback at least 200 feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

(2) Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is setback at least 300 feet from residential property to mitigate the truck noise. The setback shall not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

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(3) The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It is preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner that would allow the buildings to act as screens.

h. Traffic Impacts

The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and standards for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and PDSD, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets, recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan, and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Section 7.4, Motor Vehicle and Bicycle Parking, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report.

i. Outdoor lighting

A photometric plan and outdoor lighting report shall be required that provides information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report shall also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.

j. Outdoor Sales Display/Ancillary Uses

Measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas shall be required. The outside activity shall be setback at least 250 feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.

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k. Hazardous Materials

The project shall provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement (HMMP and HMIS) as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.

l. Noise Abatement

The project shall provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise standards in Section 16-31, Excessive Noise, of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.

m. Combination of Retail with Food and Beverage Sales

General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than 10% of the gross floor area.

2. Aesthetic Character of Buildings

a. Facades and Exterior Walls Including Sides and Back

The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least 3% of the facade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least 60% of the building length. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.

b. Detail Features

The project shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.

c. Roofs

The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.

d. Materials and Color

The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low

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reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.

e. Entryways

The building design shall provide design elements that give customers orientation on accessibility and that add aesthetically pleasing character to buildings by providing clearly defined, highly-visible customer entrances

f. Screening of Mechanical Equipment

(1) Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

(2) Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

3. Development Review Board DRB

All proposed Large Retail Establishments (LRE) shall be reviewed by the Design Review Board (DRB) for recommendation to the Planning and Development Services Director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the use specific standards related to compatibility, architecture, and site design, as provided in Sec. 4.9.9.D Large Retail Establishment Design Standards, where specific requirements are not provided. The applicant shall be responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan.

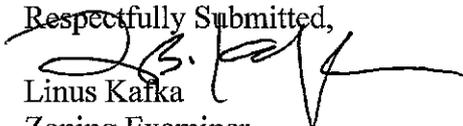
CONCLUSION

The proposed land uses are consistent with the Plan Tucson and the Santa Cruz Area Plan and in keeping with the character of the area.

RECOMMENDATION

The Zoning Examiner recommends approval of the Special Exception request subject to the proposed preliminary conditions.

Respectfully Submitted,


Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes