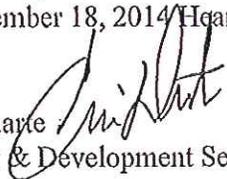




MEMORANDUM

DATE: December 3, 2014
For December 18, 2014 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: Ernie Duarte 
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-14-10 McDonald's – 22nd Street
R-1 and O-3 to P (Ward 6)

Issue – This is a request by Kelly Lee of the Planning Center, on behalf of the property owners, Kettenbach, LLC and Deed & Note Traders, LLC, to rezone approximately 0.54 acres from R-1 and O-3 to P (Parking) zoning. The rezoning site is located at the northeast corner of Alvernon Way and 22nd Street (see Case Location Map). The preliminary development plan proposes a parking lot to be built in conjunction with the development of a fast food restaurant on an existing C-1 zoned parcel immediately west of the rezoning site.

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

Background Information

Existing Land Use: Residential / Vacant

Surrounding Zones and Land Uses:

North: Zoned R-1; Residential

South: Zoned C-2; Commercial

East: Zoned R-1 and R-2; Residential

West: Zoned C-1 and R-1; Commercial, Tucson Police Midtown Station

Previous Cases on the Property: None

Related Cases:

C9-71-24 Jerman-22nd Street, R-, R-2, and R-4 to R-4 and B-1 This was a rezoning request for multiple properties and property owners located on the north side of 22nd Street, between Alvernon Way and Bryant Boulevard to allow for professional and semi-professional offices, and limited commercial uses. On June 28, 1971, Mayor and Council authorized the rezoning and on August 8,

1972, the conditions were met for Lots 1, 2, 11, and 12 of Block 10. A 2 year conditional ordinance for remainder of lots expired on June 28, 1973.

Applicant's Request – “Parking lot to be used in conjunction with a proposed Fast Food Restaurant located on commercially zoned land adjacent to the proposed parking lot site.”

Planning Considerations – Land use policy direction for this area is provided by the *Alvernon-Broadway Area Plan* and *Plan Tucson*. The rezoning site is located within a Mixed-Use Corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors provide a higher-intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well pedestrians and bicycle facilities. Within Mixed-use corridors, *Plan Tucson* calls for urban design that is sensitive to the surrounding scale and intensities of existing development. *Plan Tucson* supports neighborhood commercial uses located at the intersections of arterial streets, and redevelopment of commercial projects that stabilize and enhance the transition edge when adjacent to existing residential uses. Commercial expansions or consolidations may be an appropriate means to preserve the vitality of the street frontage and the adjacent neighborhood. 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 the *Alvernon-Broadway Area Plan* (ABAP). The purpose of the ABAP is to guide future development while protecting and enhancing existing uses. Nonresidential Policy 2 limits new commercial uses and redevelopment of existing uses to locations shown on the Conceptual Land Use Map when all the following is met: primary access provided from an arterial; all parking and maneuvering can be met onsite; screening and buffering for adjacent residential uses can be provided onsite; and new development complies with General Design Guidelines. General Design Guidelines are intended to help ensure that new development or redevelopment is designed in a manner that enhances the visual appearance of the Alvernon-Broadway area using such techniques as greater setbacks and transitions of heights and intensity, landscaping, etc. The P zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. The P zone is not considered to be an extension of the primary use. The P zone can serve as a buffer or transition area between more intense and less intense uses such as commercial and residential. The ABAP defines associated parking as land used solely for the purpose of providing surface parking for an adjacent use; no buildings are allowed. Given that *Plan Tucson* identifies this area along 22nd Street as a mixed-use corridor; and the *Alvernon-Broadway Area Plan* identifies the existing primary parcel as commercial; the Parking zone can stabilize and enhance the existing commercial while serving as a buffer/transition, and is consistent with plan direction.

The rezoning site includes two rectangular-shaped parcels totaling 0.54 acres. When combined with the existing commercial parcel the total area of the proposed development is 1.45 acres. The project is located at the intersection of two arterials, Alvernon Way and 22nd Street. Properties to

the immediate north are zoned R-1 and O-3 with office and residential uses. The properties to the east are zoned R-1 and R-2, with a mix of residential and vacant uses. The properties to the south directly across 22nd Street are zoned C-2 with a variety of commercial uses. The property to the west across Alvernon Way is zoned R-1 and developed with the City of Tucson Midtown Police Substation.

Access to the site is from Alvernon Way and 22nd Street. Both Alvernon Way and 22nd Street are identified as arterial streets on the *Major Streets and Routes Plan* map, with Alvernon Way also identified as a Gateway route. Camino de Palmas is a local street to the north that abuts the site. There will be no access onto Camino de Palmas. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 685 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning site will be developed in conjunction with a drive-thru restaurant use. The site layout shows that no buildings, dumpsters, drive-thru lane, or loading zones will be located on the proposed P zoned portion of this development site which will provide a transition and buffer to residential properties to the north and west. The preliminary development plan identifies that potential noise generating outdoor activities, including menu boards, drive-thru pick-up windows, loading zones and dumpsters will be located a minimum of 80 feet from residentially developed or zoned properties. An exhaust odor reducing system will be installed in addition to the conventional hood filters to reduce cooking odors outside the restaurant. To reduce visual and noise impacts to residential properties to the north, an eight-foot masonry screen wall will be provided along the north property line. A second 8-foot masonry screen wall will be provided along the east property line stepping down to a 5-foot height in the vicinity of 22nd Street.

Drainage/Vegetation – A portion of the site is within the FEMA Zone AH, and any building pad elevation will need to address associated water surface elevation. A 16-foot landscape border is proposed along the north border with 16-feet of landscape proposed north of the 8-foot masonry screen wall within the public right-of-way along Camino de Palmas. This border should include canopy trees and saguaro cacti per the request of the neighborhood. Approval will be required from Tucson Department of Transportation prior to all proposed work within the right-of-ways, including required maintenance agreements and easements.

Road Improvements/Vehicular Access/Circulation – Two access drives will be constructed along 22nd Street. One access drive constructed along Alvernon Way. There will be no vehicular or pedestrian access provided from this project site directly onto Camino de Palmas. Due to the existing raised medians on 22nd Street and Alvernon Way along the project frontage, all driveways will be right-in, right-out access only. The driveway on Alvernon Way should be located so as not to conflict with the bus stop

Conclusion – The proposed land use is supported by and consistent with the direction provided by *Plan Tucson* and the *Alvernon-Broadway Area Plan* regarding land use and compatibility with scale and character of the surrounding development. The P zone can serve as a transition and buffer between the commercial and residential uses to the north and east. Subject to compliance with the attached preliminary conditions, approval of the requested P zoning is appropriate.

s:/rezoning/2014/c9-14-10 sr.doc

PROCEDURAL

1. A development package in substantial compliance with the development package and required reports dated 9/29/14 covering the entire development site 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. Prior to Certificate of Occupancy issuance, applicant to combine existing parcels into a single parcel. Revised Development Package required upon lot combination of parcels.
8. 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

9. Noise generating activities (such as menu boards, drive-thru windows, loading zones, and dumpsters) shall be located a minimum of eighty (80) feet from residentially developed or residentially zoned properties.
10. Buildings shall not exceed twenty five (25) feet in height.
11. The final development package submittal shall include building elevations submitted to PDSD Community Planning for review. The elevations shall display consistent use of varying materials on all four sides of the proposed building with side and rear building facades having architectural character and detail comparable to the front façade.
12. 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.
13. All perimeter masonry walls and dumpster enclosures 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 a varied wall alignment (job, curve, notch, setback, etc.). Graffiti to be removed within five working days of discovery.
14. A new eight (8) foot masonry screen wall shall be located along the north boundary.
15. A new eight (8) foot masonry screen wall shall be provided along east property, stepping down to a five (5) foot height as it approaches 22nd Street.
16. Additional six (6) foot landscape buffer area located between the on-site perimeter masonry wall and Camino de Palmas, along the north property line shall include canopy trees and saguaro cacti. Prior approval will be required from TDOT prior to all proposed work within the right-of-ways, including required maintenance agreements and easements.
17. All outdoor security lighting to be full cutoff directed down and shielded away from residential parcels and public right-of-way. Outdoor lighting layout and lighting fixture detail shall be submitted as part of the development plan.
18. No waste grease or oil will be placed or stored in outside dumpsters. It shall be stored inside the restaurant and pumped out to a specialized vehicle that transports the liquids for appropriate disposal. An exhaust odor reducing system shall be installed, such as "Ecovents", to reduce cooking odors outside the restaurant.

19. No loading zones, dumpsters, buildings, or drive-thru lanes shall be located in the P zoned portion of the project site.
20. 24-hour video security monitoring will be installed to monitor parking areas and areas surrounding the proposed restaurant.
21. Employees will be required to make sure the parking area is free of litter and debris at least five times daily.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

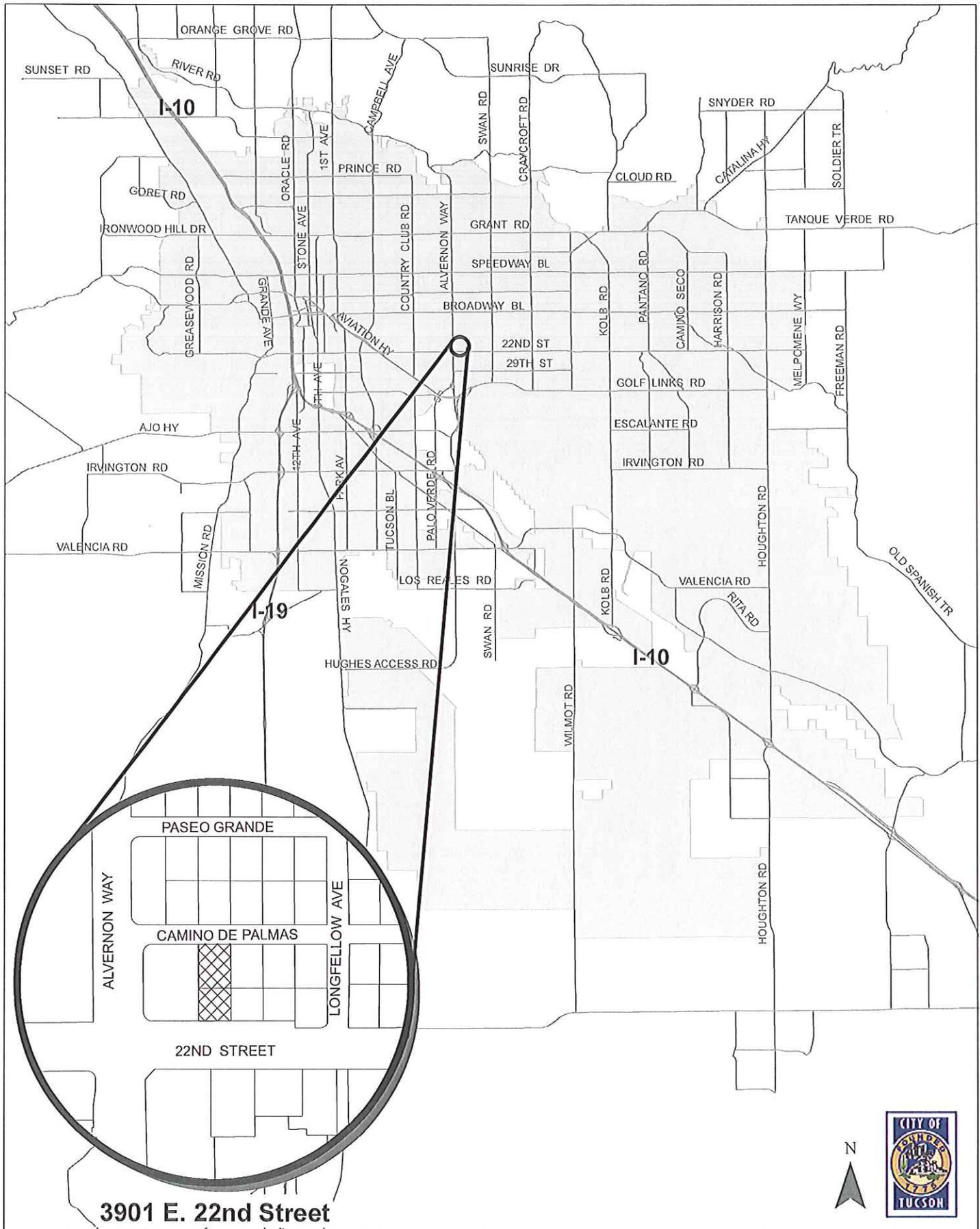
22. The submittal of a drainage report that addresses onsite and offsite drainage and its impact on the proposed improvements. The drainage report shall determine the extent of encroachment on the existing regulatory floodplain and decide the proposed building finished floor elevation in accordance with the Floodplain Ordinance.
23. Ponding water within proposed parking areas shall not exceed 0.5 foot in depth.
24. Roofing material to be either Energy Star rated or rated as a cool roof (initial solar reflection greater than, or equal to, 0.65 and minimum infrared emitance greater than or equal to 85%); placement and utilizing energy of solar panels on the roof will be considered an acceptable alternative.
25. Parking provided in excess of the minimum required shall be covered with reflective roofing (use of solar panels would be acceptable), or paved with light colored paving materials such as concrete or cool paving coating over asphaltic surfaces. Porous paving or porous pavers would also be an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

26. 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.
27. The extension of standard width sidewalk along Camino de Palmas frontage.
28. One (1) access driveway to Alvernon Way, two (2) access driveways to 22nd Street. Vehicular access shall be prohibited to Camino de Palmas, with a one (1) foot no access easement.

29. Onsite pedestrian crosswalk from 22nd Street to the building shall be striped and distinguished with a textured or scored paving pattern.

C9-14-10 McDonald's - 22nd Street



3901 E. 22nd Street





CAMINO DE LA COLINA

PASEO GRANDE

CAMINO DE PALMAS

22ND STREET

ALVERNON WAY

LONGFELLOW AVENUE

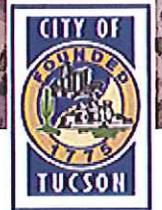
WINSTEL AVENUE

JUAREZ ST



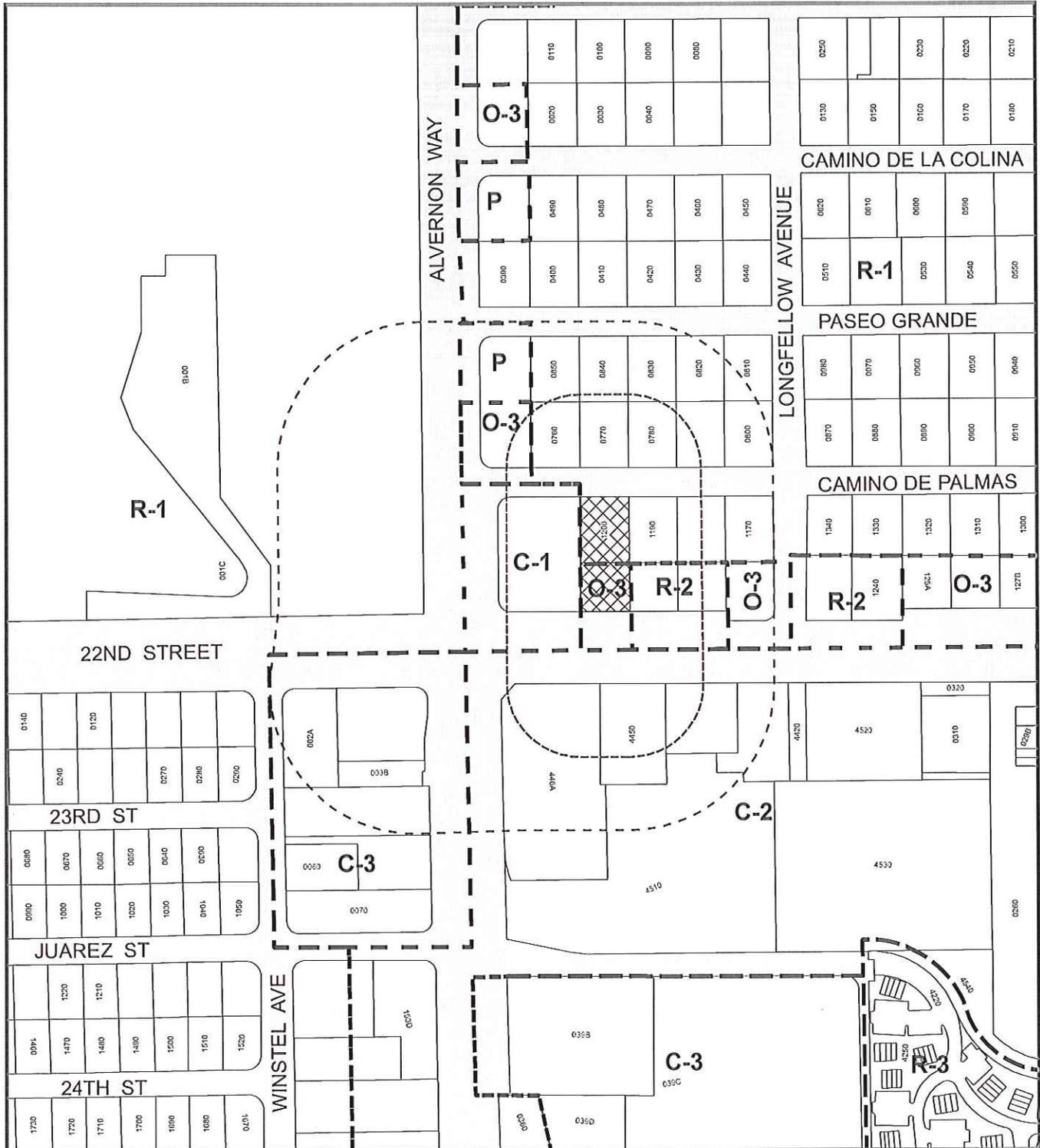
C9-14-10 McDonald's - 22nd Street
2014 Aerial

0 50 100 200 Feet
1 inch = 200 feet



C9-14-10 McDonald's - 22nd Street

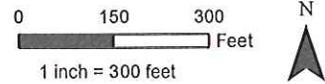
Rezoning Request: O-3,R-1 to P



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



Address: 3901 E. 22nd Street
 Base Maps: Sec.15 T.14 R.14
 Ward: 6



created by: JR, 10/2/2014

PUBLIC FACILITIES AND SERVICES REPORT FOR December 18, 2014
(as of November 19, 2014)

C9-14-10 McDonald's – 22nd Street, R-1 and O-3 to P
(Concurrent Review: DP14-1076)

CITY AGENCIES

Planning & Development Services – Engineering: See attached comments dated 10/31/14.
Planning & Development Services – Community Design: See attached comments dated 10/28/14.
Planning & Development Services – Zoning Review: See attached comments dated 10/13/14.
Transportation – Engineering: See Traffic Engineering comments dated 10/22/14.
Transportation – Traffic Engineering: See attached comments dated 10/22/14.
Office of Conservation & Sustainable Development: See attached comments dated 10/28/14.
Planning & Development Services – Landscape: See attached comments dated 10/27/14
Environmental Services: See attached comments dated 10/28/14

No Objections Noted

Planning & Development Services – Sign Code
Environmental Services
Tucson Police Department
Tucson Fire Department
Tucson Water Department
Tucson Parks and Recreation

NON-CITY AGENCIES

PAG-TPD: Estimated traffic generation of proposed development: Net increase 685 vehicle trips per day.

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 Unified School District
Pima County Wastewater
Tucson Airport Authority
Southwest Gas
Pima County Wastewater

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 3, 2014 at 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 $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-14-10, McDonald's – 22nd Street
R-1 and O-3 to P
Ward 6**

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

C9-14-10

Expose this flap - Affix stamp and return



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

C9-14-10

IMPORTANT REZONING NOTICE ENCLOSED

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