



CITY OF
TUCSON

ZONING
EXAMINER'S
OFFICE

Zoning Examiner's Preliminary Report

April 19, 2018

Stacey Weaks, Norris Design on behalf of:
BP Bridges Partners LLC and BP Partners LLC #2
20 E. Congress St., Suite 300
Tucson, AZ 85701

**SUBJECT: C9-06-32 The Bridges PAD – Kino Parkway
Major Amendment to Sub-Areas B I-IV (Ward 5)
Public Hearing: April 12, 2018**

Dear Mr. Weaks,

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 the rezoning case **C9-06-32 The Bridges PAD (Major Amendment to Sub-Areas B I – IV)**. 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's office.

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 closing of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

Applicant's Request

This is a request by Stacey Weaks of Norris Design on behalf of the property owners, BP Bridges Partners, LLC and BP Bridges Partners, LLC #2, for a major

amendment to The Bridges PAD to change the underlying zoning classification for Sub-Area B, including B-1, B-II, B-III, and B-IV from Residential (R-3) to Office/Commercial/Residential (OCR-1) Zone.

The total land area of Sub-Area B is approximately 112 acres.

The proposed PAD amendment is to allow for the development of a GEICO Regional Headquarters, and to re-position the Bridges as a shovel-ready economic development area by making the underlying zoning consistent across the PAD District.

Planned Area Development (PAD)

Definition of a PAD

The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.

The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts.

Overview for PAD Amendment to Sub-Area B (Includes Sub-Areas B-I through B - IV)

The PAD amendment for Sub-Area B conforms to the Unified Development Code, with the amendment packaged to highlight the amended pages for Sub-Area B on white pages and the original 2007 Bridges PAD pages in a buff color for the remaining Sub-Areas A, D, E, and F. The PAD amendment preserves the development standards and opportunities for Sub-Areas A, D, E, and F as set forth in the original Mayor and Council approved 2007 Bridges PAD. The proposed amendment is composed of the following sections:

- Section A: Introduction and Policy – reflects new vision for the Bridges PAD as a regional employment/retail/research and development/residential mixed-use center.
- Section C.2.3: Office/Commercial/Residential Zone – replaces underlying zoning in Sub-Area B from R-3 to OCR-1, allowing office and commercial, addressing residential development standards.
- Section C.2.4 Open Space, Functional Open Space – responds to the development program for office/commercial/residential uses in Sub-Area B.

Project Description

The Bridges PAD back in 2007 represented the largest single parcel of undeveloped land within the City of Tucson core, and as such comprised the largest and most significant infill project in the City's history. The Bridges PAD had a vision to create a community where residents could live, work, and play, and where significant commercial and institutional components would have an

impact and influence extending beyond the immediate area. However the past decade since the PAD was conceived and adopted Tucson experienced a challenging real estate market. Now the original vision is evolving as interest in the area is again emerging as evident by the GEICO Regional Headquarters project.

The purpose of the amendment to the Bridges PAD is two-fold: to allow for the development of a GEICO Regional Headquarters; and to re-position the Bridges as a shovel-ready economic development area by making the underlying zoning consistent across the PAD District. The approved 2007 Bridges PAD existing underlying zoning of R-3 within Sub-Area B prevents commercial and office development opportunities that are responsive to a post-recession marketplace. The proposed amendment to The Bridges Sub-Area B provides the City of Tucson with a destination development that can now include a wider range of uses to complement the overall original vision for the Bridges. The proposed amendment can help to create an employment center with significant permanent employment opportunities for local residents and the Tucson region as part of the future office development and adjacent UA Research Park and retail commercial center.

The PAD amendment still preserves the development standards and opportunities for Sub-Areas A, D, E, and F as set forth in the original Mayor and Council approved 2007 Bridges PAD. It provides an updated Traffic Impact Analysis that analyzes operational conditions and impacts for the three major access intersections to the project. It still requires that projects within the Bridges development provide a Traffic Study/Statement and/or Traffic Impact Analysis to be reviewed by the City of Tucson Department of transportation to determine if the proposed project warrants intersection and signalized improvements. The PAD amendment will still require development of the central park and multi-use trails which are triggered by development in Sub-Area B-I or B-II, or 40 percent of residential units platted in Sub-Area B-I. It still requires any tentative plat or development package to be reviewed for design by the Bridges Design Review Committee.

The proposed amendment to Sub-Area B of the Bridges PAD presents an opportunity with GEICO for their Regional headquarters which will serve as a development catalyst for the Bridges in addition to the Tucson Marketplace and UA research park destinations. It will allow the creation of a mixed-use campus and create a new employment hub with up to 700 new jobs. It will move the Bridges development forward, building economic links to Downtown Tucson, the University of Arizona, and Tucson International Airport.

The purpose of the proposed amendment is to make it possible to retain and substantially increase the presence of GEICO as a major national employer in Tucson. It allows GEICO's Regional Headquarters to be developed within Sub-Area B.

The proposed phasing for Sub-Area B is as follows:

- GEICO Regional Headquarters - 200,000 square footage of office building in southern portion of Sub-Area B-II with attendant improvements to Martin Luther King Jr. Way and 36th Street, and construction of central park, planned opening summer 2019 with an employment count of 2,000;
- A 150,000 square footage of office building in northern portion of Sub-Area B-II;
- Development of the first phase of a planned Urban Village and Town Square in Sub-Area B-I with a mix of residential prototypes such as apartments, townhouses, small-lot single-family homes, and duplexes (Town Square could include retail that would not compete with Tucson Marketplace);
- Later phases at B-III and B-IV could include office and other commercial uses.

Previous Cases on the Property:

C9-06-32 The Bridges PAD – Kino Parkway, R-1, C-1, C-2, and I-1 to PAD-15
This was a request to rezone approximately 350 acres from R-1, C-1, C-2, and I-1 to PAD-15. The PAD (Planned Area Development) is to have a mixture of commercial, office, residential, and recreational / open space at build-out. The PAD was divided into sub-areas of four principle land uses: Sub-Area A and F - approximately 128 acres of retail/commercial/office; Sub-Area B - approximately 117 acres of residential; Sub-Area D – approximately 53 acres of University of Arizona Research Park; Sub-Area E – approximately 11 acres for Hotel and Office; and Sub-Area C – approximately 50 acres of open space.

Public Hearing

At the April 12, 2018 public hearing, Planning and Development Services staff reported that there were four (4) written approvals and three (3) written protests. (Staff received one (1) protest within the 150' notification area and one (1) protest outside of the notification area. I was not informed as to where the third protest originated from).

During the public hearing, staff submitted the following documents to me:

A proposed revision to the PAD's Development Standards defining maximum height restrictions which also require additional revisions to show the horizontal limits of each zone based on the public hearing.

During the public meeting, I gave a written letter I received which was a protest. This protest was not included in the written report I received for the hearing.

The applicant (Don Bourn, Bourn Properties) and the applicant's consultant (Stacey Weeks, Norris Design) spoke in support of the amendment to the PAD

and gave a brief history of the project as well as discussing how the applicant reached out to all of the affected neighbors.

They both discussed that being able to construct the new headquarters for GEICO was the primary reason for requesting this PAD amendment. Mr. Bourn discussed how Bourn Properties does not do residential development and that they specialize in retail and commercial development; however, the seller of the property would not just sell them the Sub-Area B-II for the GEICO project. The seller required them to purchase all of the Sub-Area B properties. This is why they were requesting the OCR-1 zoning for all Sub-Area B properties.

Their hope is that the GEICO development would help kick-off the entire remaining development, which includes creating the demand for housing in the immediate area, thus creating the residential component which everybody wants.

Mr. Bourn acknowledged that they need to have better coordination and communication with the surrounding neighbors, including the adjacent commercial properties in the area.

The applicants both stated that this amendment was consistent with the original PAD; however, by providing commercial uses and the new GEICO project, they were creating jobs. They felt that this was an improvement over the original Sub-Area B use which only allowed for residential use.

They felt that the new GEICO and other similar office and commercial uses would support and compliment the anticipated University of Arizona's technical development as well as the existing adjacent retail uses.

They both acknowledged that the proposed changes to allow commercial and office uses may create additional demands on internal and off-site utilities and transportation (roads and intersections). They stated that each individual proposed development would be reviewed separately on a case-by-case basis, including updated traffic reports.

They stated that the first 'mixed-use' proposed development would occur in Sub-Area B-1 per the submitted sketch showing 150-250 residential units including townhomes and mid to high density loft residential units along with some community spaces which include a board walk trail and a town square.

They stated that the architectural design for the entire PAD would be a "new architecture" rather than the traditional architecture seen in Tucson.

Stacey Weaks stated that they have held 28 meetings with neighboring groups and held two (2) open houses. He also told us that they increased the notification area from the City's minimum 300' to 1250' feet in an effort to reach more

neighbors. In addition to meeting the City's minimum notification requirements, they sent notices to all schools and churches within the notification area.

Mr. Weaks also discussed the overall benefits to the area by allowing the OCR-1 zoning. He discussed the benefits of moving forward on the GEICO project as well as stating that it would then start the development of the Central Park (Area C-I) as well as starting on Martin Luther King Jr. Way.

He also told us that the infrastructure for the original PAD is proceeding per the original schedule outlined and that any new or additional improvements required by this amendment, both on and off site, will be determined, designed and completed on a project-by-project basis. In addition, any additional traffic impacts will be required to be studied as each individual development is submitted for approval.

Proposed Maximum Development Heights and Neighborhood Transition Zones

The proposed new revisions for the maximum building heights and neighborhood transition (setback) zones were also discussed at the public hearing; however, without the revised drawings and notes, it was difficult to understand. It was pointed out at the hearing that these new height restrictions were discussed with the neighbors; however, they had not yet secured all of the neighbor's support. The applicant also stated that they felt that this could get resolved prior to the Mayor and Council's public hearing on May 22nd.

This new and revised section of the PAD document, *C.1 – Development Standards – Section C.2.3 Table E: Sub-Areas B Development Standards and Figure 23: Neighborhood Transition Zone* has been furnished by the applicant and it shall be listed as a **Zoning Examiner's Special Condition**. The height and neighborhood transition zones revision shall be included in the final Bridges PAD (Major Amendment) document.

At this time during the hearing, I asked the applicant if there had been any attempt to discuss providing a "minimum amount" of residential units with the project's partners or any of the neighbors (both residential and commercial). This would guarantee a minimum number of residential units within the Sub-Area B parcels. I explained that this would also provide the City with an enforceable code requirement to insure this PAD remains a "Mixed Use" development as presented in the original PAD (per the applicant, the original PAD provided 700 individual single family homes in the original R-3 zoned Sub-Area B parcels).

The applicant responded to my question by saying that this had not been discussed or proposed.

One (1) person spoke in **favor of this request**.

He supports this project and really wants to see it move forward. He told us that he had been waiting for years with no progress. In addition, he was very happy with the applicant's willingness to meet with the neighbors.

I asked him if would still be happy with this amendment if there was no residential uses. He responded that he would, provided that it meant that the project could move forward.

Six (6) people spoke in **opposition of the request**. The main items discussed by these people include:

1. There is no assurance from the developer that there will be a “residential component” with this new amendment since the OCR-1 code allows for office and commercial uses as well as residential. This was even more apparent after the developer stated in their presentation that they specialize in retail, office & commercial and not in residential development.
2. The original PAD went through an exhaustive public process in order to be approved as opposed to this request. This proposed amendment has not been reviewed nor discussed adequately. They feel that the PAD amendment is being “rushed through” without enough public notification and public participation. They also felt that their concerns have not even been heard, let alone addressed by the applicant.
3. Since this is such a departure from the original 700 individual single family homes originally proposed in the Sub-Area B, they felt that there should have been more review and studies performed in order to assure that there would still be a residential component as well as public amenities for the existing surrounding areas. The PAD was originally supported by the neighborhoods and nearby commercial developments based on it benefiting the existing neighbors (both residential and commercial).
4. There was a lot of concern about how tall the buildings could be and how close they are next to existing residential neighbors. They also were upset that they had not even seen the proposed heights and setbacks until now (the applicant provided the new revised documents showing the building heights and setback zones during the public hearing). The neighbors, staff and the Zoning Examiner had not seen this information until it was presented at the hearing. The applicant explained that it had just been discussed and designed at a recent meeting with the neighbors.
5. An Attorney representing Tucson Retail, LLC, the existing adjacent commercial development in Sub-Area A, had the following objections:
 - a. As the original purchaser and owner of Sub-Area A, they felt that this was too much of a departure from what was originally promised in the original PAD.
 - b. They have spent a significant amount of money (Ten Million Dollars) and made large commitments to improvements based on the original PAD’s design.

- c. This being reviewed to quickly and is “premature”. They feel that this needs more time for adequate review and meetings.
- d. There are too many “loose ends” and that the impact on infrastructure and neighboring properties had not yet been fully identified.
- e. Too broad in scope. He felt that the applicant was asking for too much.
- f. Asked if there was really going to be any residential uses.

Stacy Weaks then spoke again to address these concerns.

He stated that there had been 28 public meetings and 2 open houses held.

They expanded the notification area, including separate notices to schools and churches.

He apologized for the late delivery of the proposed building heights and setback zones as well as telling us that they will make further revisions to this before the Mayor and Council’s public hearing on this matter.

He stated that there is a residential component shown in this amendment on Sub-Area B-1.

Don Bourn then spoke to address the concerns stated.

He said that he wished he could accurately predict what would ultimately be constructed on this property; however, without that knowledge, they need as much flexibility as possible in order to accommodate future needs.

He understood and acknowledged all of the neighbor’s concerns.

He told us that the rush for this is due to a promise to GEICO to break ground in June, therefore requiring this to be heard by the Mayor and Council on May 22nd.

In response to Tucson Retail, LLC’s concerns, he stated:

1. The concerns discussed by their attorney were not exactly accurate.
2. He presented a letter to the owners.
3. He felt that this amendment will actually help them.
4. He agreed that there could be limits placed on the amount of retail uses allowed in the PAD.
5. He stated that any additional improvements to the infrastructure and roadways would be address when individual project come in for review and would be handled on a project-by-project basis, including updated traffic studies.

After hearing everybody’s concerns and allowing the applicant a chance to address the concerns of the neighbors, I asked the applicant a couple of questions in order to try to address the neighbors’ and Tucson Retail, LLC’s concerns.

I asked the applicant if there was any way to separate this proposed amendment request so that only Sub-Area B-2 could be changed to OCR-1 allowing the GEICO project to move forward since nobody had any objections to the GEICO project.

The applicant responded, “No”.

I then told the applicant that I probably could not recommend supporting this PAD amendment without some sort of assurance that there will be a minimum amount of residential units required and/or defined in the Sub-Areas B.

Because of the overwhelming support for the GEICO project, I felt that we could find a way to meet the applicant's time schedule for meeting with the Mayor and Council on May 22nd while offering the neighbors some assurance that there will be a minimum amount of residential units defined in the amended PAD document.

Staff and I discussed the schedule and determined that there was no way to schedule a continued Zoning Examiner's Hearing and still meet the applicant's schedule to appear before the Mayor and Council on May 22nd; therefore, I felt it necessary to place a special condition on this PAD amendment requesting the following:

Proposed Sub-Area B Minimum Number of Residential Units:

I told the applicant that it was my understanding that the original Bridges PAD proposed 700 single family houses and that they (the applicant) showed 150 to 250 residential units in Sub-Area B-1 per their submitted sketch. I felt that a compromise could be reached by requiring the applicant to commit to providing a minimum of 300 residential units in one or more of the Sub-Area B areas. These required residential units could be single family detached, multi-family attached, medium density detached and medium density attached units as outlined.

The applicant has since responded in writing and has agreed to provide the 300 minimum residential units. This minimum amount of residential units shall be listed as a **Zoning Examiner's Special Condition**. The submitted revision to *Development Standards - Section C.2.3, Table F: Residential Development Standards* shall be included in the final Bridges PAD (Major Amendment) document.

I thanked everybody for coming out and I closed the public hearing.

Existing & Proposed Land Uses

Sub-Area B (including B-1, B-II, B-II, and B-IV)

Existing: Residential (R-3)
This underlying zone allows for high density residential development and compatible uses.

Proposed: Office/Commercial/Residential (OCR-1)
This underlying zone allows for a mixture of development types including office, commercial, and high-density residential uses.

Surrounding Land Uses

North: Zoned R-3/O-3/C-2/I-1; Vacant, Single-family Residential, Salvage Yard

South: Zoned R-2/O-3/C-2/I-1; Interstate-10
East: Zoned R-1/C-1/I-1; High School, Single-family
Residential/Industrial
West: Zoned R-2/C-1/C-2/SI-1; Union Pacific Railroad Tracks, Vacant
(in South Tucson)

Planning Considerations

Land Use Plans

Land use policy direction for this area is provided by *Plan Tucson (PT)*, the *Kino Area Plan (KAP)*, and the *Greater South Park Neighborhood Plan (GSPNP)*.

Plan Tucson - PT identifies the Bridges site as a Mixed-Use Center that combines a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding community with local access to goods and services. *PT* supports integrated residential and nonresidential land uses that complement the size and intensity of the center and nodes, while providing transitions to lower density residential uses. *PT* calls to protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill, and appropriate nonresidential uses. *PT* supports the retention and expansion of existing businesses.

Kino Area Plan - The overall goal of the *KAP* is to establish guidelines for the future growth of the Kino Area and to provide a balance of uses and wide range of activities, including employment, shopping, housing, and recreation. The *KAP* promotes a variety of commercial activity centers around Park Avenue/Interstate 10 interchange. Policy in the *KAP* calls for coordination between the City of Tucson and other government jurisdictions, and directs the City to assist Tucson Unified School District in determining future school locations.

Greater South Park Neighborhood Plan - The portion of the rezoning site west of Park Avenue is located within Subarea 6 of the *GSPNP*. On December 19, 2006, Mayor and Council approved an amendment to the *GSPNP* changing the designation for this area to allow residential uses within Subarea 6. Compatibility of proposed development with existing residential uses to the north should be ensured by utilizing such elements as restricted hours of operation, screened or covered storage, noise buffers, additional landscaping, and special air pollution controls.

Public Participation

A neighborhood meeting was held on February 8, 2018 with 54 attendees present. Concerns discussed included local jobs, job training and employment opportunities, the number of employees GEICO will be relocating to the site, benefit to the community, traffic issues, concern for residential development. The applicant has continued to actively dialogue with the community and

stakeholders, including the University of Arizona and Eastbourne/Retail West (see attached Public Participation Meeting Log):

- 1/9/18 UA Tech Park Open House – brief overview of GEICO and PAD amendment
- 1/18/18 Ward 5 Meeting – information session about GEICO and proposed PAD amendment with neighborhood representatives, UA Tech Park, and Eastbourne/Retail West
- 2/8/18 Formal Neighborhood Meeting
- 2/20/18 Bridges Working Session hosted by UA Tech Park Team – Discussion of planning and design excellence, connectivity, infrastructure, transportation and overall planning coordination, which resulted in clarifications and refinements to PAD Amendment document
- 2/27/18 Meeting at Ward 5 – UA Tech Park, Eastbourne/Retail West, Bourn, and City of Tucson with meeting leading to an updated Traffic Study to reflect future development programming
- 3/13/18 Meeting with Pueblo Gardens and South Park neighborhoods to gather neighborhood input and discuss PAD amendment

Drainage/Grading/Vegetation

Any drainage, grading and landscape issues will be identified and resolved with the submittal of each Development Package prior to construction. Any such requirements shall be per the original PAD. No changes are proposed in this amendment.

Road Improvements/Vehicular Access/Circulation

Any issues regarding road improvements and vehicular access will be identified and resolved with the submittal of each Development Package prior to construction. Any such requirements shall be per the original PAD. No changes are proposed in this amendment.

Traffic Study Update:

The applicant has provided a revised Traffic Study Update for the Bridges PAD Amendment dated April 10, 2018 as requested by Retail West. The traffic study was updated to align with the 2006 MTS programming and reflects the additional 18,000 SF of commercial use in Sub-Area A (Commercial A). According to the applicant, this minor refinement does not change the recommendations and the results of the capacity analysis.

This revised Traffic Study Update shall be listed as a **Zoning Examiner's Special Condition**. The submitted revision to *Development Standards - Section C.3.2 Traffic and Impact Analysis, A & B and Figure 37: Trip Distribution at Buildout* shall be included in the final Bridges PAD (Major Amendment) document.

CONCLUSION

The Zoning Examiner has reviewed the evidence provided by Staff and the testimony presented at the public hearing and finds the following:

As submitted, the Bridges Planned Area Development is in general compliance with the intent and pertinent policies of *Plan Tucson*, the *Kino Area Plan*, and the *Greater South Park Neighborhood Plan*. A plan amendment is not required. There are special conditions recommended by this Zoning Examiner as a condition for approval of the Bridges Planned Area Development (PAD). With the recommended special conditions, the requested OCR-1 zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends **approval** of the major amendment, subject to the recommended special conditions and the attached *The Bridges PAD* document.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Shell', written in a cursive style.

Steven C. Shell, Architect
Zoning Examiner

ATTACHMENTS:

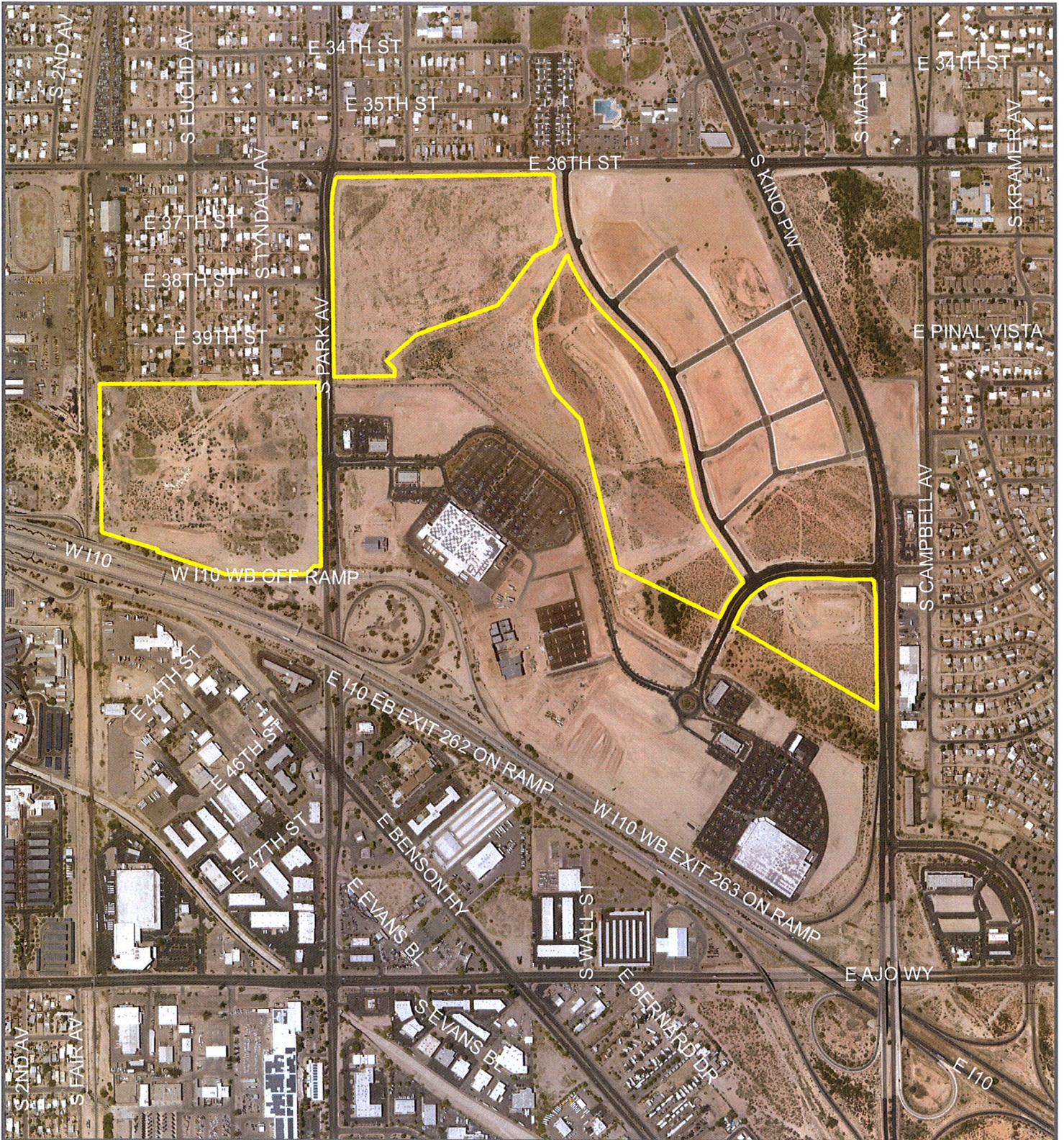
Case Location Map

Case Map

Zoning Examiner's Special Conditions

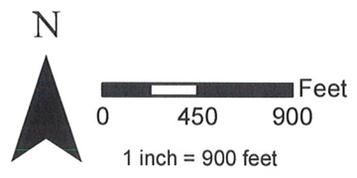
cc: City of Tucson Mayor and Council

C9-06-32
Bridges PAD - 36th St. and Kino Pkwy.

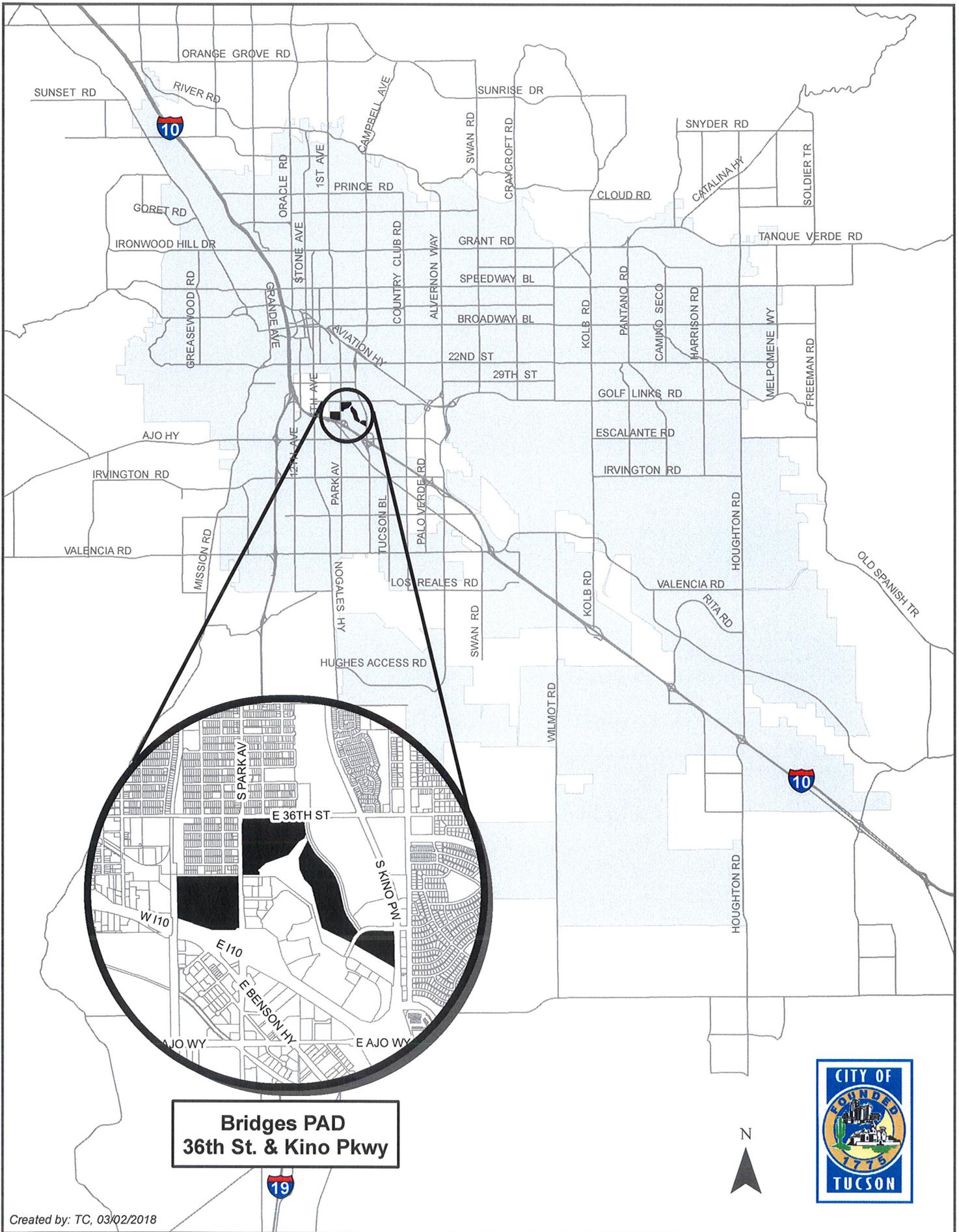


 Area of PAD Amendment Request

Address: Bridges PAD 36th St. and Kino Pkwy.
Base Map: Twp. 14S R. 14E Sec. 30
Ward: 5



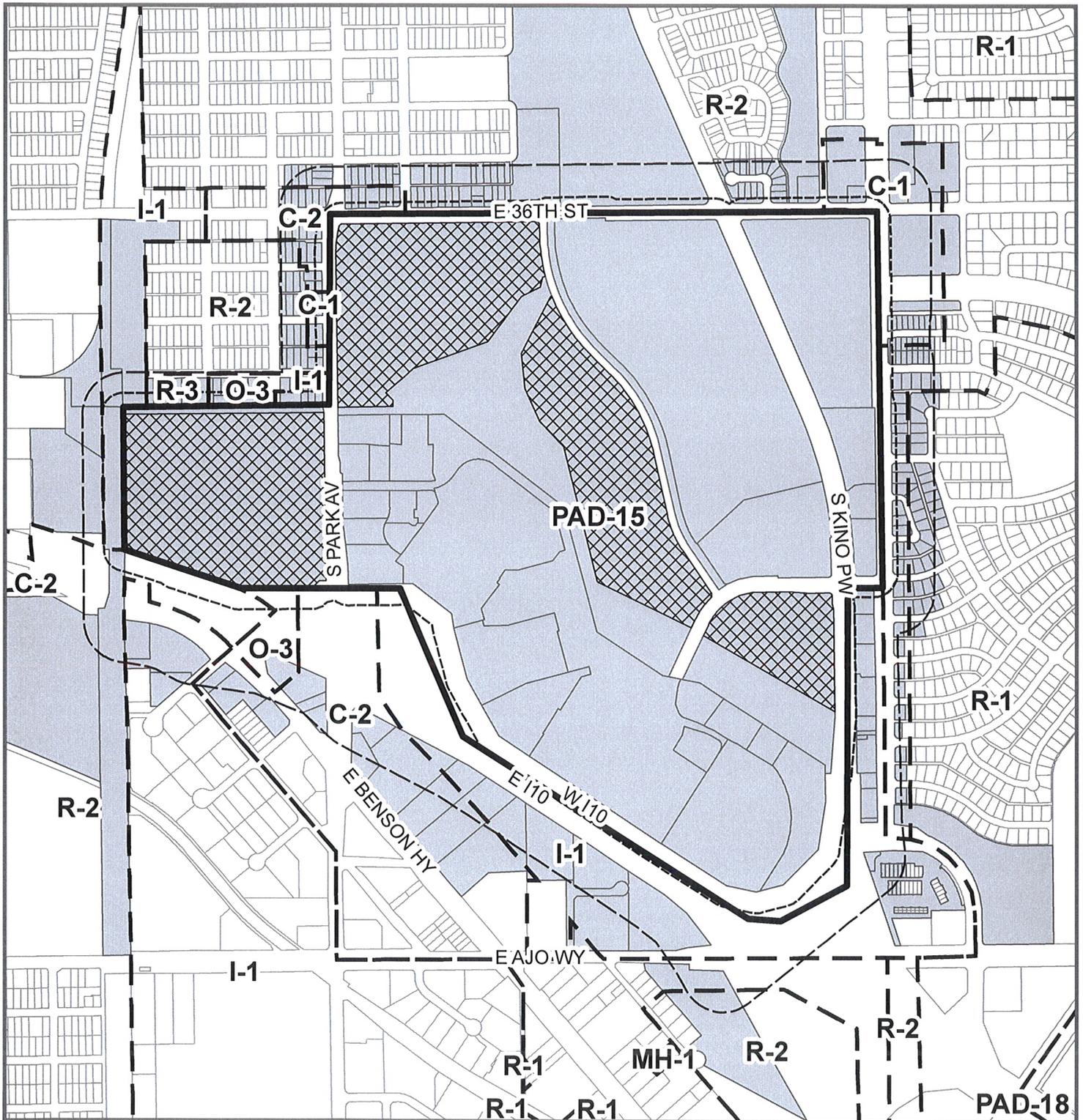
Bridges PAD - 36th St. and Kino Pkwy.



**Bridges PAD
36th St. & Kino Pkwy**



C9-06-23
Bridges PAD - 36th St. and Kino Pkwy.



-  PAD-15 Zone Boundary
-  Area of PAD Amendment Request:
Sub-Areas B-1, B-2, B-3 and B-4
R-3 to OCR-1 For Underlying Zoning
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)

Address: Bridges PAD, 36th St. and Kino Pkwy
 Base Maps: Twp. 14S Range 14E Sec. 30
 Ward: 5

-  Zone Boundaries
-  Properties Notified

N



 1 inch = 1,000 feet

The following revisions shall be included in the final Bridges PAD document, listed in the appropriate section:

1. ***Maximum Development Heights and Neighborhood Transition Zones***
The new maximum development heights and neighborhood transition (setback) zones submitted, *C.1 – Development Standards – Section C.2.3 Table E: Sub-Areas B Development Standards and Figure 23: Neighborhood Transition Zone*
2. ***Sub-Area B Minimum Number of Residential Units:***
A minimum of Three Hundred (300) residential units shall be provided in Sub-Areas B per the submitted revision to *Development Standards - Section C.2.3, Table F: Residential Development Standards*
3. ***Traffic Study Update:***
The revised Traffic Study Update submitted, *Development Standards - Section C.3.2 Traffic and Impact Analysis, A & B and Figure 37: Trip Distribution at Buildout*
4. Per the applicant's submitted "Principals for Housing at The Bridges, to increase residential population and home ownership and work toward a decline in the transient population", no apartments shall be allowed in any Sub-Areas B.