



CITY OF  
TUCSON  
ZONING  
EXAMINER'S  
OFFICE

## PRELIMINARY REPORT

January 12, 2017

The Planning Center  
c/o Brian Underwood  
2 East Congress, Suite 600  
Tucson, AZ 85701

**SUBJECT: C9-16-08 VCA Valley Animal Hospital  
R-2 to P  
Public Hearing: January 5, 2017**

Dear Mr. Underwood,

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter is the Zoning Examiner's written notification of the summary of rezoning findings for rezoning case **C9-16-08 VCA Valley Animal Hospital**.

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 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 Brian Underwood of the Planning Center, on behalf of the property owner, Dr. Totten Warfield to rezone approximately 0.24 of an acre from R-2 to P zoning to accommodate the development of a parking area for multiple commercial land uses. The preliminary development plan indicates employee and customer parking for a proposed Valley Animal Hospital expansion.

The rezoning site is the southernmost approximate 13 feet of seven commercial properties. The total area of the site is about 10,311 square feet, and the total area of the seven properties in the application is about 85,324 square feet.

The purpose of the rezoning is to have the nonconforming R-2 zoned portion of the parcels comply with the standards of the Unified Development Code (UDC) prior to sale of the property for the expansion of the VCA Valley Animal Hospital.

At the January 5, 2017 Zoning Examiner's Public Hearing, staff reported one approval letter and no protests. The applicant's agreed to the Planning and Development Service's rezoning conditions, however, he requested to refine the language of condition seven and the condition has been modified and is recommended by Planning and Development Services Department.

Existing Land Use and General Location –The rezoning site is currently a parking area. To the north is vacant undeveloped R-1 zoned land, to the south is single family residences zoned R-2, and to the east and west are C-2 and R-2 zoned commercial uses.

Land Use Plans – Land use policy direction for this area is provided by *Plan Tucson*. The rezoning site is located within a mixed-use corridor as identified on the Future Growth Scenario Map of Plan Tucson. The businesses and residences within mixed-use corridors will be served by a mix of high frequency transit options, as well as pedestrian and bicycle facilities. *Plan Tucson* supports a variety of retail, services, offices and housing options. It also supports the retention and expansion of existing businesses. Both plans support new residential development that is compatible with surrounding land uses.

Site Plan Considerations – The intensity of the project is compatible with the existing land uses in the area. The Naylor Wash and single story, single-family residences border the property to the south. The proposed site plan provides for an improved transition between the commercial and residential properties by increasing the setback for the parking areas and enhancing a landscaping bufferyard.

As noted the request brings the southern portion of the site into compliance with the UDC's parking and landscaping standards. The future expansion of the animal hospital will be to the east of the existing buildings on the site. There are 16 parking spaces currently within the rezoning site and the number will be expanded to 31 spaces. No large truck parking, loading zone, dumpsters or multi-story parking is proposed within the rezoning area. The area is within a floodplain and the existing oleanders and trees will remain as a screen to the residential properties to the south. In addition, a five-foot masonry wall will further screen

the views and block headlights into the residential properties. Overall the site will function similarly when the future expansion of the animal hospital occurs.

**CONCLUSION**

The rezoning to bring the existing parking area into compliance with the UDC standards is consistent with *Plan Tucson* and surrounding land uses.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning to P zone subject to the Planning and Development Services Department's recommended conditions as being consistent with applicable land use plans and surrounding land uses.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mazzocco". The signature is fluid and cursive, with a large initial "J" and "M".

Jim Mazzocco, AICP  
Zoning Examiner

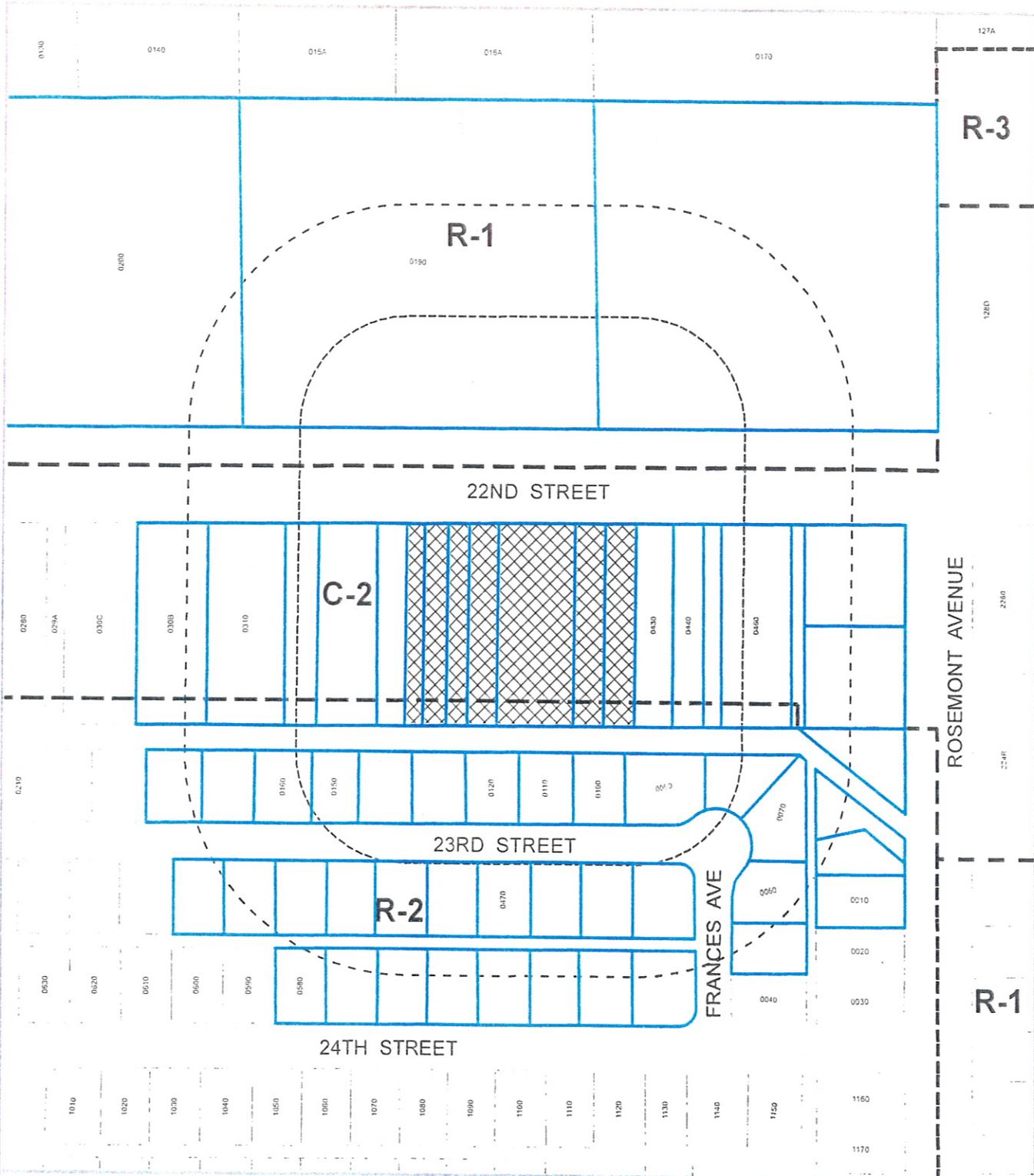
**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
Recommended Conditions

cc: City of Tucson Mayor and Council

# C9-16-08 Valley Animal Hospital - 22nd Street

## Rezoning Request: from C-2,R-2 to P



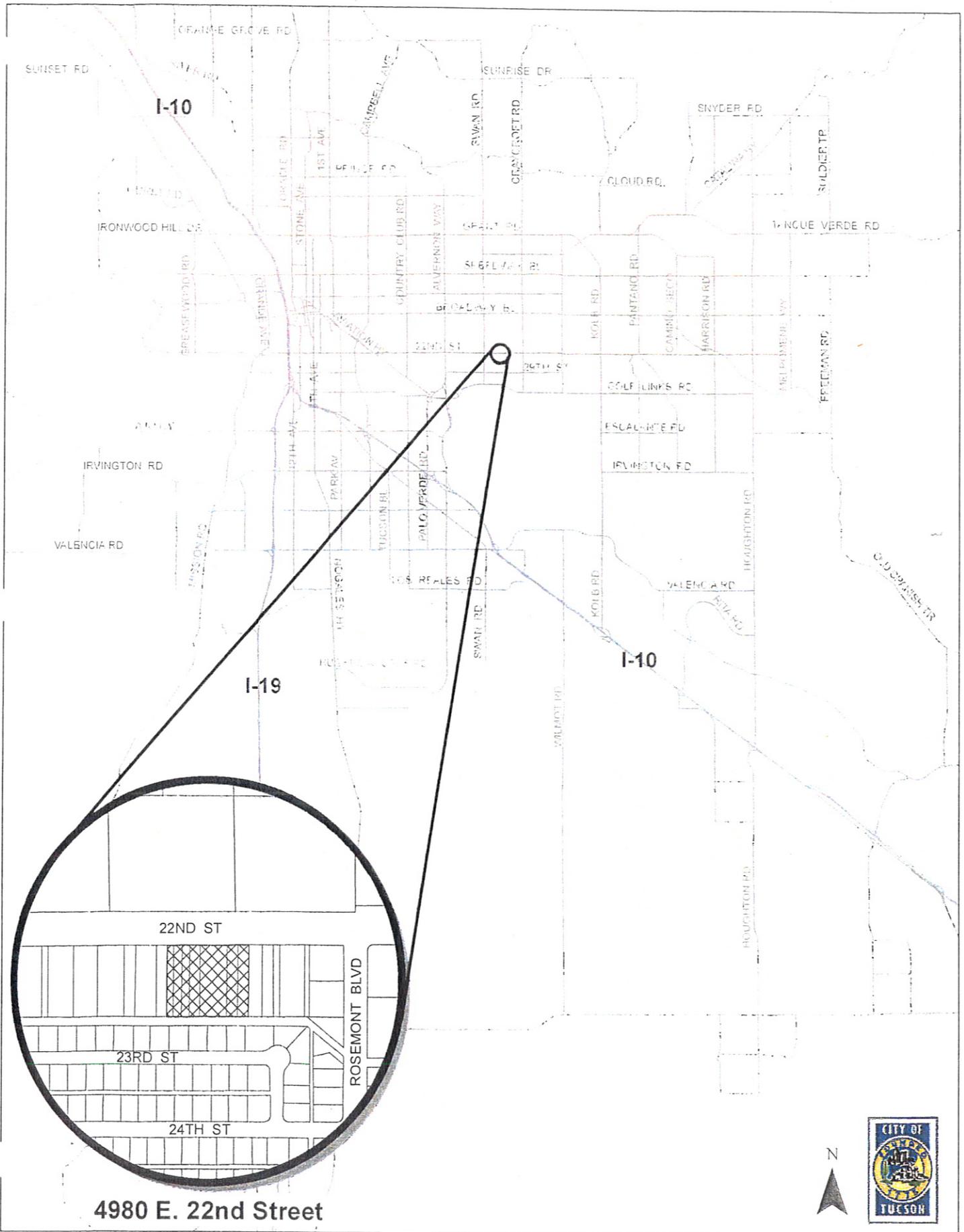
-  Area of Rezoning Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



Address: 4980-5002 E. 22nd Street  
 Base Maps: Sec.23 T.14 R.14  
 Ward: 4



# C9-16-08 Valley Animal Hospital - 22nd Street



### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated November 2, 2016 and required reports dated October 2016, 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. 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.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

7. Existing riparian vegetation, including trees along and within the Naylor Wash Floodplain and located onsite, will be required to be preserved in place to the greatest extent feasible. If viable, the strand of mature oleanders and trees that are located along the southern boundary of the rezoning site may remain in place and integrated into the landscaping along the south boundary of the site.

8. All walls visible from a public right-of-way and/or adjacent to existing residential 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, rustic metal, tile, stone, or brick; a visually interesting design on the wall surface.
9. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-16-08 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-16-08.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify

