



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

## PRELIMINARY REPORT

October 26, 2017

Linda Morales  
Planning Center  
2 E. Congress Street Suite 600  
Tucson, AZ 85701

**SUBJECT: C9-17-02 22nd & Houghton PAD  
SR to PAD Zoning  
Public Hearing: October 26, 2017**

Dear Ms. Morales,

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 **C9-17-02 22nd & Houghton PAD**.

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, conclusions, recommendations, 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 Linda Morales on behalf of the property owner Twenty-Second Baptist Church of Tucson to rezone approximately 16.3 acres from SR to PAD zoning. The rezoning site is located on the northeast corner of 22nd Street and Houghton Road. The Planned Area Development (PAD) proposes a Fry's Food and Drug Store and totaling 99,918 square feet and includes a fuel station and kiosk. Additional retail service uses totaling 18,500 square feet with outdoor patio area, a drive-through lane for a fast/casual restaurant, associated parking,

landscaping, and detention basins. The maximum proposed building height on the rezoning site is 26 feet, as allowed in the C-1 zone.

At the October 19, 2017 Zoning Examiner's Public Hearing, staff reported forty-eight written approvals and fifty-one written protests. Staff noted that ten of the written protests were from within the 150-foot protest area. Besides the applicant, there were 12 speakers who supported the rezoning.

The applicant gave a detailed explanation of the project and discussed a change to the original preliminary development plan (a significant increase to open areas to 25% within the property). This change resulted from discussions between the applicant and the neighborhood after the rezoning request was submitted. It was stated the conditions put forth by Zoning Examiner in the April 27th meeting would all be accepted and included in the development by the applicant. A non-voting *Saguaro National Park (SNP)* representative will be added to the Design Review Committee to review wildlife access and interaction with functions relative to the development. The developer will provide a light dimming plan for approval by the Design Review Committee that includes a voting neighborhood representative. The perimeter wall and/or screening along the north and east property lines will be designed to ensure drainage will not damage adjacent residential properties. A noise mitigation plan and acoustical analysis shall be provided and approved by the DRC and include the PDSO Director. The developer shall provide to the PDSO director cool pavement techniques and other heat island mitigation best practices that can be developed into the site, or part of the site if said options are determined to be cost prohibitive.

Speakers recommending approval of the rezoning request included individuals from the church group that presently own the property. Their reason for selling the property was they did not feel they were in a position to expand beyond their present facility, and that the proceeds from the sell would help them stabilize and enhance their existing location on another property. Other individuals in support of approval stated convenience of location, 'one stop' amenities, and inadequate nearby services as reasons for their support.

Speakers in opposition to the rezoning said that the rezoning did not conform to the *Houghton East Neighborhood Plan (HENP)*, that the property linked to commercial application should be confined to the lot intersecting the corner only, and that C-2 zoning would be more appropriate than C-1. Others in opposition to the rezoning stated the proposed PAD does not support conservation of the open areas as a consolidated contiguous plan in the manner the *HENP* dictates. Further concerns relative to flooding, proximity of the gas pumps to residences, noise, trash pickup, and a statement that the size of proposed development in relation to the size of the actual properties is inadequate for the proposed PAD.

*Existing Land Use and General Location* –The rezoning site is vacant land. To the north are single- family residences zoned RX-1 (Residential). The properties to

the south are zoned C-1 (Commercial) and RX-1 (Residential). To the east is RX-1 (Residential). To the west is Qwik Mart on C-1 (Commercial)..

Land Use Plans –

Land use policy direction for this area is provided by *Plan Tucson (PT)* and the *Houghton East Neighborhood Plan (HENP)*.

*Plan Tucson* states that sensitivity to the adjacent residential neighborhoods is a high priority. *PT* policy supports neighborhood commercial and retail uses along arterial streets, taking into consideration traffic safety and congestion issues. *PT* guidelines support the location of employment, retail and services in proximity to each other to allow easy access and reduce dependence on car travel, and supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* also supports strategically located mixed-use activity centers and activity nodes in order to increase transit use, reduce air pollution, improve delivery of services, and create inviting places to live, work, and play, while protecting established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate non-residential land uses.

The proposed site is within an area identified in *PT* as “Existing Neighborhood”, which are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

The *HENP* recognizes distinct neighborhoods in the east Houghton Road Area and supports those changes which protect and enhance the character, identity, and residential quality of life in these neighborhoods. The *HENP* supports the development of new commercial uses on arterial streets to complement the scale and character of neighborhoods and commercial districts in the Houghton East area. The *HENP* calls out for the buffering of high intensity land uses by utilizing appropriate screening techniques to mitigate the impacts of new development on adjacent uses.

In 1985 the Mayor and Council adopted the *HENP*. The *HENP* includes open space preservation, height restrictions, drainage and erosion controls to protect residential property and provide wildlife corridors which enhance and buffer rural developments.

The rezoning site consists of two parcels. The site is rectangular in shape. Based on the PAD these two parcels correspond with three other C-1 zoned parcels on the other three corners of the intersection of Houghton and 22nd Street. Land uses in the vicinity of the rezoning site include single-family homes and a convenience store. Per the submitted PAD a landscape border with detention basins and a screen wall is proposed along the northern and east boundaries of the rezoning site. Trash pickup will be located a minimum of 50' from the north and east property lines with pickup limited to between 6 am to 12 am.

#### Site Plan Considerations

Site Design Features The applicant held meetings with the neighborhood and discussed increasing the open space, buffers, walls, view shed, lighting, and building heights. The applicant reduced the Fry's building to bring the footprint below the Large Retail Establishment threshold, increased the building setbacks and the open natural space, added a restriction on amplified music and smoking patios, and added a neighborhood and *Saguaro National Park (SNP)* representative to the Design Review Committee. Questions from the neighbors in attendance at those meetings related to impact on Saguaro National Park, night skies, noise control, wildlife, hours of operation, delivery, and dumpster locations. They also discussed possible noise impacts from the gas station and associated kiosk.

The applicant assured the neighbors that traffic would be directed away from the residences to the north, trash-pick up would be consolidated in one location to be at least 50 feet away from residential area to the north, and that delivery hours would be restricted along the northern edge of the site.

Pedestrian Access/Circulation – Multi-use trails along Houghton Road and public sidewalks along the site's frontages on Houghton and 22nd Street will provide pedestrian access to the site.

Vehicular Access/Circulation - The PAD shows that the site and its parking area will be accessed at two points from Houghton Road and at a two points from 22nd Street. Road improvements are complete along the frontages of both roads. The PAD shows dedication of right-of-way as required along the north side of 22nd Street adjacent to the rezoning site. Based on the PAD, the center access from the site onto Houghton Road, and the west side access on to 22nd Street will be limited to right-turn out only to reduce vehicle traffic flow congestion at the intersection of Houghton and 22nd.

A Traffic Impact Analysis was completed for this project. It concludes that the project area intersections will operate at acceptable levels of service.

**CONCLUSION**

The rezoning substantially complies with the Plan Tucson and the Houghton East Neighborhood Plan.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning to the C-1 zone subject to the Zoning Examiner's recommended conditions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Gonzalez", written over a vertical line.

Rick Gonzalez, RA  
Zoning Examiner

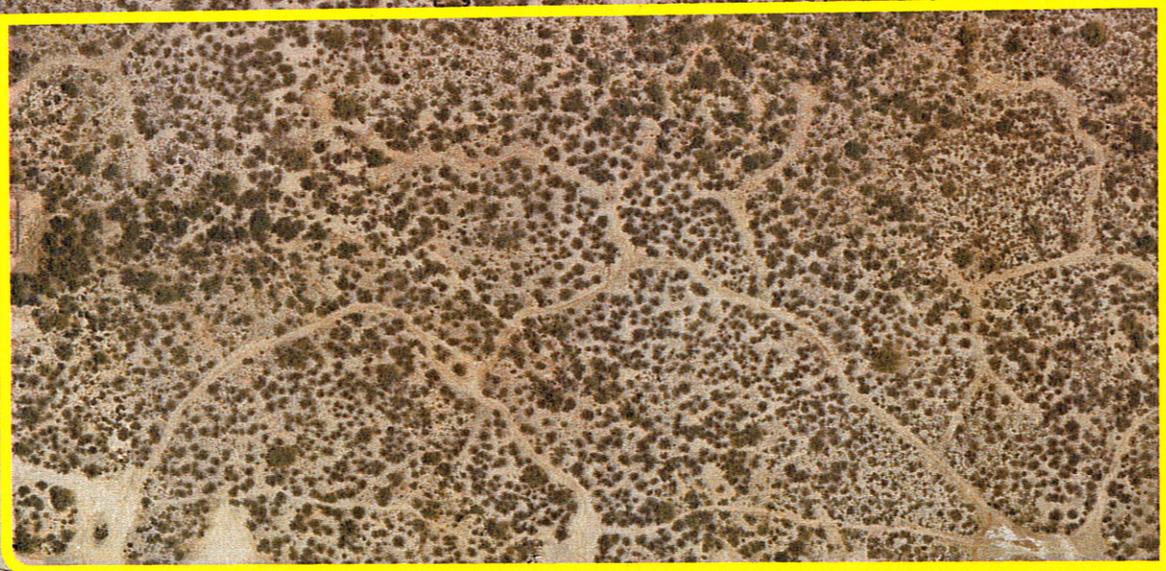
**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
Zoning Examiner Conditions

cc: City of Tucson Mayor and Council

HOUGHTON ROAD

22ND STREET

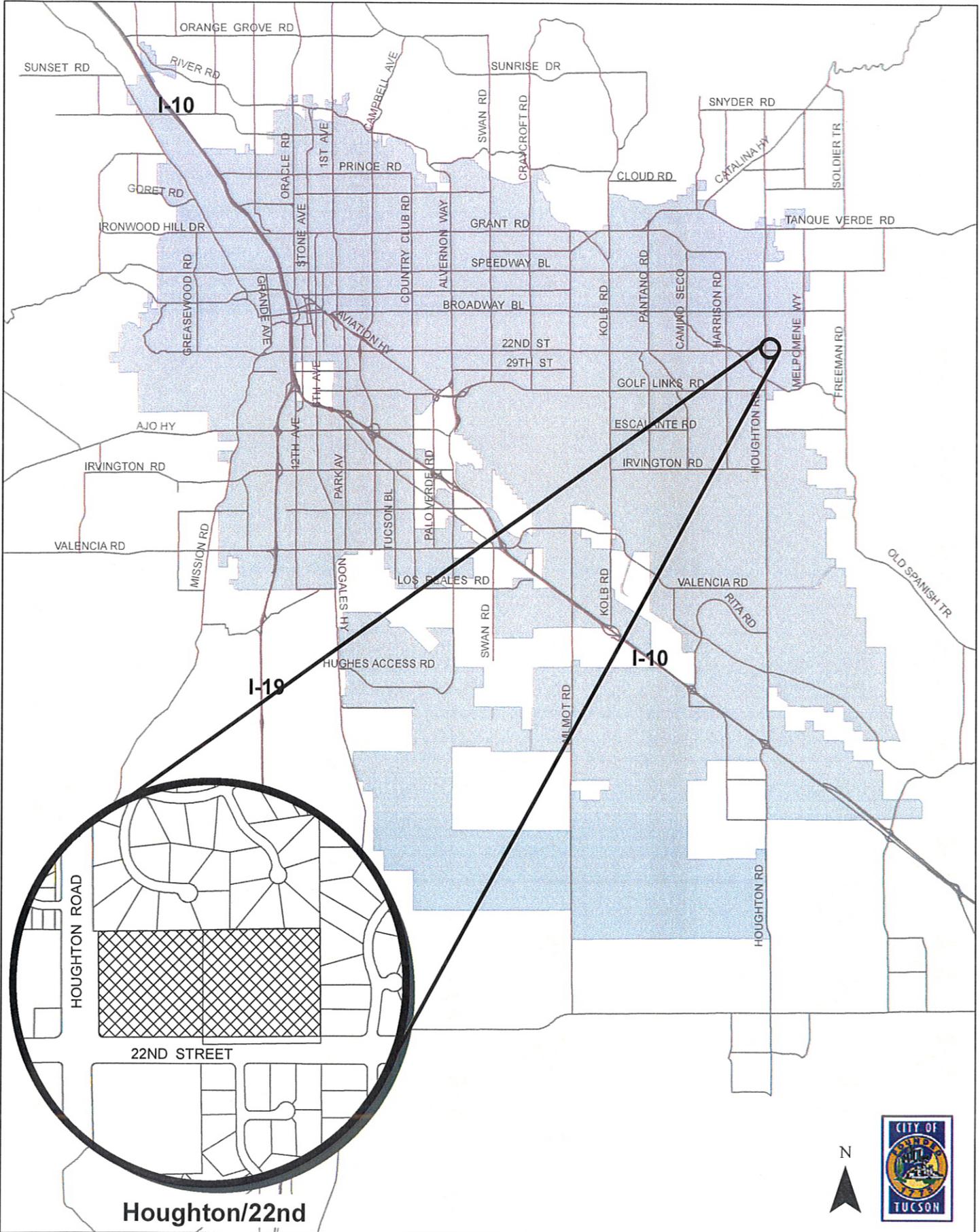


C9-17-02 Houghton/22nd PAD - Houghton Road  
2016 Aerial

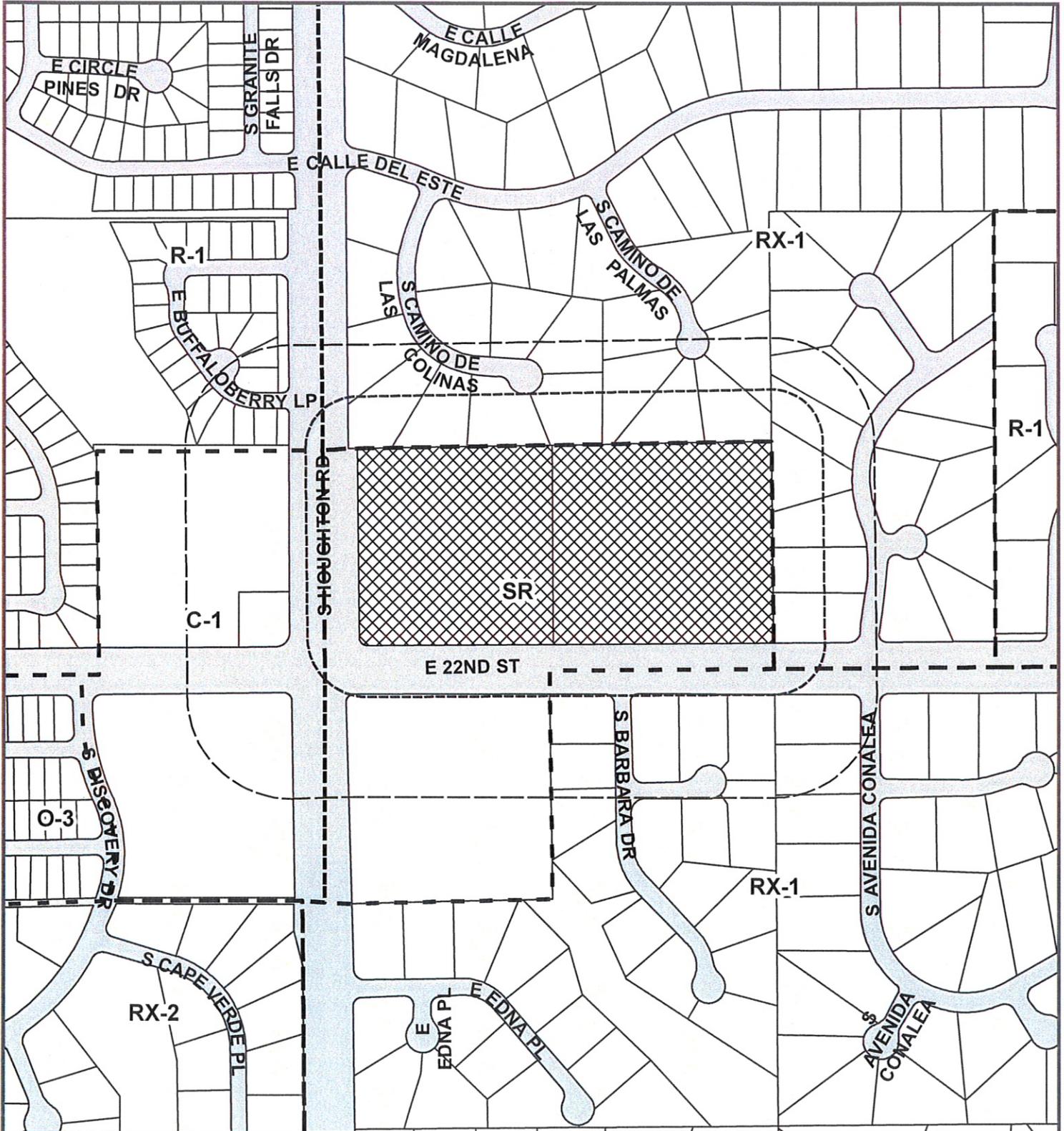
0 100 200  
Feet  
1 inch = 200 feet



# C9-17-02 Houghton/22nd PAD - Houghton Road



**C9-17-02 22nd & Houghton PAD - Houghton Road  
Rezoning Request: SR to PAD**



- Area of Rezoning: SR to PAD
- Protest Area (150-foot Radius)
- Notification Area (300-foot Radius)
- Zone Boundaries

Address: 10325/10395 E. 22nd Street  
 Base Maps: Twp. 14S R. 15E Sec. 13  
 Ward: 2



1 inch = 400 feet



## **ZONING EXAMINER CONDITIONS - C9-17-02 (22nd and Houghton PAD)**

1. The developer agrees to adhere to all of the conditions set forth in the Zoning Examiner Conditions and Preliminary Report from the Public Hearing on April 27th, 2017
2. The developer shall report to the PDSD director the ability to add a second perimeter wall along the edge of the proposed grading limits of the project separating the open area and developed areas along the north and east sides. The requested walls shall be built on top of the proposed retaining walls and/or grading edge. Said walls shall be between 6' and 8' high measured from the lowest finished grade of the retaining walls or finished grade of the proposed walls. If it is the determination of PDSD director that the cost of the added walls are prohibitive, the walls shall be installed only along portions of the site that offer the most protection to avoid negative interaction of wildlife and users of the development.
3. At the perimeter along the north and east property lines the developer will provide a wall, or wrought iron screen between 6' and 8' as selected by each adjacent property owner along their specific individual boundary and the PAD.