



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

Zoning Examiner's Preliminary Report

October 12, 2017

Mark L. Collins
Gust Rosenfeld, PLC
One S. Church Avenue, Suite 1900
Tucson, AZ 85701

SUBJECT: C9-17-10 TCC PAD
Amendment for Hotel Use and Sports Use
Public Hearing: October 5, 2017

Dear Mr. Collins,

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 **C9-17-10 - TCC PAD Amendment**. 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 Mark L. Collins, on behalf of the property owner, Rio Nuevo Multipurpose Facilities District (RN), requesting a major amendment to the TCC PAD to expand the allowed land uses in Development Area D to include a hotel, and to clarify the sports activity use by amending the "Community Center Facilities" definition and adding sports activities to the uses in Development Area D.

The proposed hotel site is located adjacent to the new east entrance to the Tucson Convention Center (TCC) (see Conceptual Site Map). RN is proposing a 125-room, approximately six (6) story, limited services hotel.

Planned Area Development (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.

Previous Cases on the Property:

C9-09-12 PAD-5 Major Amendment to allow a 525-room hotel in Development Area A was approved by the Mayor and Council on December 15, 2009. That hotel proposal was abandoned for financial reasons; however, a hotel use remains in Development Area A and is not precluded by the current request.

TCC PAD-5 was originally adopted on August 3, 1987 as a Specific Plan (SP) District. The SP Districts were converted to Planned Area Development (PAD) Districts by Ordinance 9374, which was adopted by Mayor and Council on April 10, 2000. At the time, the zoning designation of the TCC changed from SP-5 to PAD-5.

Public Hearing

At the October 5, 2017 public hearing, Planning and Development Services staff reported that there were two (2) written approvals and no written protests.

The applicant's representative 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. She also discussed how the project's Architect was able to reconfigure the existing parking area to add approximately 95 spaces, 75 of which are anticipated to be required parking for the proposed hotel, leaving 20 excess parking spaces to be used by the Tucson Community

Center after the hotel is constructed. She also stated that the main issue discussed at the neighborhood meeting was the TCC's lack of parking. (This was further stated in the written comments received by Staff.) The neighbors have had problems over the years with TCC patrons parking in their neighborhood during large events and they feel that this problem has never been addressed properly nor has there ever been a solution proposed.

With this parking issue in mind, I asked the applicant's representative if the applicant would be agreeable to reconfiguring the parking area now, before the hotel was designed and constructed, in an effort to add some much needed parking in the meantime.

During this part of the public hearing, a representative from Rio Nuevo then spoke in favor of the request. The gentleman representing Rio Nuevo stated that they would be agreeable to providing the additional parking now; however, the Rio Nuevo representative also stated that there are two (2) other partners who needed to agree to this condition as well.

One other gentleman who owns a business directly across the street from the proposed hotel, along with several other adjacent properties, spoke in favor of this request. He also stated that the TCC's lack of parking is and has been an on-going problem for the neighborhood.

No one spoke in opposition of the request.

Existing Land Use

Zoned PAD-5; Vacant Land

Surrounding Land Uses

North: Zoned OCR-2; La Placita Village Commercial Center
South: Zoned C-1, C-3, HR-2,HR-3, HC-3 and HO-3; Historic Residential, Office, Residential and Commercial
East: Zoned C-3, O-3; Tucson Police Department and MOMA
West: Zoned C-3; Vacant Parcels and Federal Courthouse

To the east across Stone Avenue is developed with commercial in the C-3 commercial zone, to the south across University Boulevard is a continuation of the multi-family high density residential complex developed in the C-3 commercial zone, to the west is developed with single-family residential homes in the Dunbar Spring which includes structures on the national register of historic structures in the R-3 high density zones and C-1 commercial zone, and to the north is developed with commercial in the C-3 commercial zone.

Planning Considerations

The Tucson Community Center PAD-5 is located on the southwest edge of downtown and is part of a commercial node that abuts a historical residential neighborhood located to the south. It is a major downtown activity center with direct access, through arterial and collector streets, to Interstate-10. Congress Street (120 foot-wide right-of-way (ROW) arterial) provides direct access from Interstate 10 to the west. Granada Avenue (120-foot ROW collector) offers access on the west side of the TCC complex. Cushing Street (64-foot ROW collector) serves the south side of the property and Church Street (85-foot ROW arterial) serves the east side of the TCC. Under the current proposal, the Church Street access will be enhanced to serve as the primary access for the hotel. No additional curb cuts or access points will be pursued along Cushing Street, thereby limiting hotel traffic impacts on Cushing Street and the Barrio to the south. A future Modern Street Car stop will be developed adjacent to the TCC along Cushing Street, offering patrons of the TCC and hotel a transportation alternative.

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TCC PAD Amendment – Hotel (Ward 6)

Land Use Plans

The *Plan Tucson* policies, and the goals of the *Tucson Community Center PAD*, provide relevant guidance for the proposal. These documents support the viability and sustainability of the Tucson Community Center as a major component of Downtown revitalization. *Plan Tucson* policies support a downtown activity center that integrates a mix of private and public uses, including entertainment, recreation, retail, restaurants, office, libraries, hotels, public meeting facilities, child care, transit facilities, and other services into activity nodes.

The *Plan Tucson* recognizes that a downtown activity center can greatly impact the general economy of the City and, therefore, includes policies that support the redevelopment of the Tucson Community Center site to foster private sector development throughout the downtown area. Policies recognize that to remain competitive, to support tourism, and to increase convention trade, facilities will require periodic expansions and enhancements.

Design Considerations

Land Use Compatibility

The proposed amendment requests a change to the Alternate Permitted Uses in Development Area D to allow for a 125-room, limited services hotel. No modifications are being proposed to any of the development standards in Area D.

The maximum height allowed in Area D is 75 feet. The hotel is proposed to be six (6) stories tall, and less than 75 feet in height.

The development standards currently require a “Transitional Buffer” along Cushing Street with a maximum 25 foot building height and a minimum 30 foot building setback. The proposal will be compatible these requirements. A coffee shop/café use is planned for the height-restricted area which will be on the south side of the proposed hotel. The applicant states that scale, architectural materials and other design elements will be considered to provide an appropriate transition to the Barrio neighborhood south of Cushing Street. This use is envisioned to serve not only the hotel and TCC visitors, but also the occupants of the residential and office uses to the south. The Design Compatibility Report states the owner and developer are working with the Barrio leadership to, “...discourage vehicular traffic along Cushing Street and encourage stronger pedestrian connections and amenities along the southern border” ...of the TCC.

The sports activity clarification was recently resolved administratively by staff through a clarification letter. As part of that clarification, staff recommended the applicant include the sports activity clarification in the major amendment request so that the PAD document, itself, will be revised to reflect the clarification. This way the revised PAD document will be available for the public, without having to also obtain the clarification letter.

The TCC has historically held sporting events throughout the years since its inception as a community center, with sports originally included as a permitted alternate use within Development Area D when the Specific Plan was initially adopted in 1987.

Sporting activities/practices and sports spectator events are permitted under the definition of “Community Center Facilities”, which is defined as, [a] public gathering place where conventions, consumer trade shows, meetings and banquets, catering, alcoholic beverage service, community activities, indoor/outdoor public assemblies and entertainment can occur. The phrase “indoor/outdoor public assemblies and entertainment” includes sporting events and spectator events. Those activities are entertainment and the crowds are the public assembly. Practice activities, whether for a traveling show, or for a hockey team, are accessory to the actual entertainment. The language of the PAD does not attempt to list every type of entertainment, rather it relies on the broad definition.

Drainage/Grading/Vegetation

Any drainage or grading issues will be identified and resolved with the submittal of the Development Package, prior to construction. The existing landscaping requirements for Area D will remain the same – no changes are proposed. A concern was raised about the potential impacts of the hotel development on two

existing berms associated with the Eckbo Plaza's historic landscape, located along Church Avenue, within Area D. The owner and developer are working with representatives of the historic preservation community to identify ways to mitigate any impacts to the berms. The mitigation solutions will be incorporated into the Development Package submittal and review.

Road Improvements/Vehicular Access/Circulation

The overall issue of parking has been identified by property owners, residents and occupants surrounding the TCC. Rio Nuevo acknowledges the issue.

The 125-room hotel, per the PAD parking guidelines, will require 75 additional parking spaces, and the design compatibility report has modifications to the existing parking areas which will create 95 additional parking spaces, on site, for a net gain of 20 spaces. Approximately one-third of the newly identified spaces can be considered to be in close proximity to the proposed hotel. The remaining spaces are dispersed across the TCC site, providing useful spaces for the TCC complex. (See the Overall Site Plan, attached.)

CONCLUSION

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

No modifications are being proposed to any of the development standards in Area D.

The TCC has historically held sporting events throughout the years since its inception as a community center, with sports originally included as a permitted alternate use within Development Area D when the Specific Plan was initially adopted in 1987.

The request is consistent with the policies and intent of *Plan Tucson*, which recognizes that a downtown activity center can greatly impact the general economy of the City and, therefore, includes policies that support the redevelopment of the Tucson Community Center site to foster private sector development throughout the downtown area. Policies recognize that to remain competitive, to support tourism, and to increase convention trade, facilities will require periodic expansions and enhancements.

Approval of the requested amendments to the TCC PAD-5 document is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of this rezoning request to amend the TCC PAD-5 subject to the following:

The applicant shall reconfigure the existing on-site parking area in order to create the additional parking shown on the Preliminary Development Plan. The new added parking shall be constructed within one (1) year of the TCC PAD Amendment's approval by the Mayor and Council.

Sincerely,



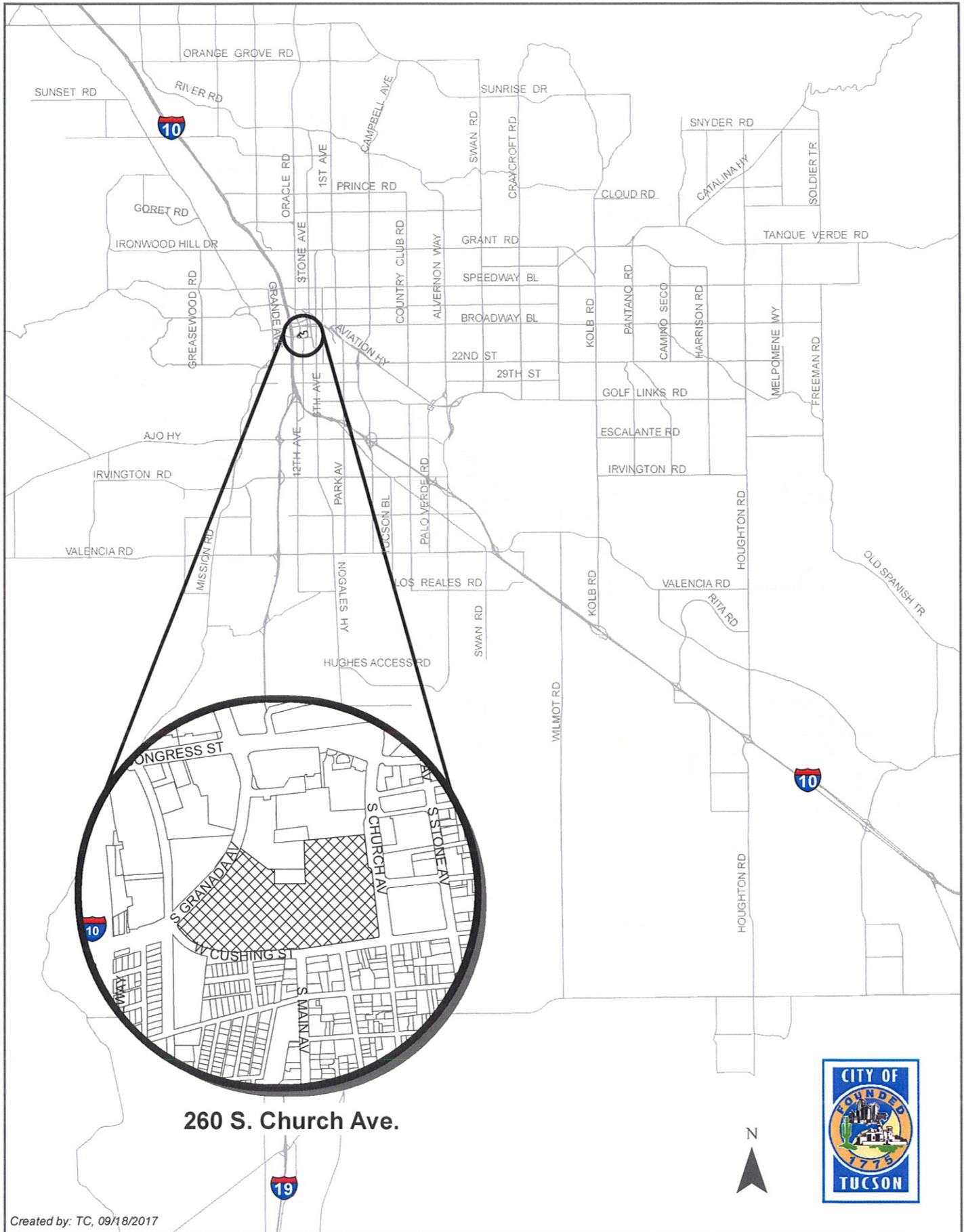
Steven C. Shell, Architect
Zoning Examiner

ATTACHMENTS:

Case Location Map
Case Map
Preliminary Conditions

cc: City of Tucson Mayor and Council

C9-17-10: TCC - PAD Amendment



C9-17-10 - TCC PAD Amendment



 Subject Property



Address: 260 S. Church Ave.
Base Maps: Twp.14S Range13E Sec. 13
Ward: 6

0 150 300
Feet
1 inch = 300 feet



There are no Conditions of Approval for this PAD amendment; however, the Zoning Examiner recommends, as a good faith gesture to the adjacent neighborhoods, that the City of Tucson and the Rio Nuevo Multipurpose Facilities District construct the 95 parking spaces identified for the proposed hotel use (75 required and 20 additional spaces) as soon as possible regardless of the time table for the hotel construction, to help relieve current parking issues at the facility.

