



# MEMORANDUM

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DATE: December 20, 2017  
For January 4, 2018 Hearing

TO: Thomas Sayler-Brown  
Zoning Examiner

FROM: Scott Clark  
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-17-11 MidFirst Bank, I-10 and Craycroft Road  
C-2 and R-1 to I-1 (Ward 5)

**Issue** – This is a request by Bruce Paton of Rick Engineering, on behalf of the property owners, MidFirst Bank and Beaufort Company LLC and NNK LLC, to rezone approximately 14.61 acres from C-2 and R-1 to I-1 zoning. The rezoning site is located along the south frontage of I-10, extending southeast from S. Burcham Avenue (see Case Location Map). As discussed below, the preliminary development plan (PDP) proposes I-1 zoning for the rezoning site, with potential access to the Eastbound I-10 Frontage Road.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of I-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

**Existing Land Use:** Vacant

## **Zoning Descriptions:**

R-1: Residence Zone, is primarily for the use of single-family residences. Schools, churches, and public buildings are permitted.

C-2: Commercial Zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

I-1: Light Industrial Zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Surrounding Zones and Land Uses:

North: Zoned C-2; I-10 Right-of-Way (ROW)

South: Zoned R-1 and PAD 14; R-1 is vacant and PAD-14 is Los Reales Landfill

East: Zoned C-2; I-10 ROW

West: Zoned R-1 and C-2; City-owned vacant and Truck Repair Service

Previous Cases on the Property: C15-17-02 Establishment of Original City Zoning

Related Cases:

C9-06-05 Los Reales Landfill PAD – Los Reales Road. This was a request by the City of Tucson Environmental Services Department to rezone approximately 1,084 acres, immediately south of the subject rezoning site from SH, R-1 and I-2 to PAD-14 zoning. The PAD site is located east of the Swan Road alignment and on the north and south sides of Los Reales Road. The PAD proposed expansion of the existing Los Reales Landfill, the addition of a Community Resource Center, ancillary uses, and expanded buffering open space. On June 6, 2006, Mayor and Council adopted Ordinance No. 10285. The ordinance was effectuated July 6, 2006.

C9-06-26 Second Houston Enterprise – Wilmot Road, SH to C-2 This was a rezoning request for rezone approximately 55 acres from SH to C-2 zoning. The rezoning site is part of an overall project site of 88 acres located on the south side of Interstate-10, approximately 850 feet south and east of the subject rezoning, site to allow the development of 23 structures up to two stories and 40 feet in height, with a total of 577,100 square feet of retail uses. On January 9, 2007, Mayor and Council authorized the rezoning. On February 28, 2012, Mayor and Council approved a time extension to January 9, 2017. The rezoning expired on January 9, 2017.

**Applicant's Request** – Rezone to I-1 for future industrial and commercial uses.

**Planning Considerations** – Land use policy direction for this area is provided by the *Ricon/Southeast Subregional Plan* and *Plan Tucson*. The rezoning site is located within a Business Center as identified on the Future Growth Scenario Map of *Plan Tucson*. Business centers are major commercial or employment districts that act as major drivers of Tucson's economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses. Existing examples in Tucson include the University of Arizona Science and Technology Park, Tucson Mall, and the Tucson International Airport area.

The Design Compatibility Report provides plan policy justification for the rezoning. Staff concurs with the applicant's assessment. Applicable *Plan Tucson Land Use, Transportation and Urban Design Policies (LT)* are:

*LT 19: Pursue annexation of vacant, underdeveloped and developed land that is within both the adopted Water Service Area and the Municipal Planning Area, taking into consideration the development/growth potential, projected revenues to be received and potential costs and capability to serve the area and the strategic importance of location.*

The site has been annexed into the City of Tucson and is within the Tucson Water Service Area. The proposed industrial development is consistent with its location within the I-10 corridor and its proximity to the Los Reales Landfill.

*LT 20/21: Apply Pima County Conservation Land System (CLS) map and associated guidelines to future annexations and rezoning reviews.*

The site is not within the CLS, and is not subject to CLS guidelines.

*Business Center Guidelines: LT 28.4.1: Encourage infilling vacant or underutilized parcels adjacent to existing regional and Community- level activity Centers.*

The site is vacant and underutilized. As the I-10 corridor continues to develop, so does the potential for this site. The site is adjacent to community-level activity centers that provide commercial and employment opportunities. These uses include the Manheim Tucson auction site, Freightliner of Arizona Truck Dealer, truck stop with restaurants and the Los Reales Landfill.

*LT 28.4.7: Support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines.*

Industrial land uses on the site will be compatible with surrounding uses. The Los Reales landfill lies to the south, truck services are located immediately west, and the I-10 ROW fronts the north/east boundary of the site. Future development will conform to the setback, landscaping and screening, lighting and other standards in the Unified Development Code (UDC).

*Industrial Center Guidelines: LT 28.7.1: Evaluate new industrial on a case-by-case basis according to the following criteria:*

- a. Convenient access to highway, rail or air services and routes;*
- b. Nearby public transit to serve employees, especially for proposed large industrial facilities with high numbers of employees;*
- c. Pedestrian access and facilities between bus stops and employment centers;*
- d. Parking, loading and maneuvering requirements are met on site;*
- e. Architectural detailing provided on all sides of structures and the landscaped setbacks setbacks from the front and rear property lines.*

The site is adjacent to I-10 and there is Interstate access at Craycroft Road on the west and Wilmot Road to the east. A Sun Tran bus stop exists within 0.2 miles from the site on Craycroft Road. Tucson International Airport is about 4 miles from the site. Appropriate UDC site design measures will be implemented at the time of development review.

The *Rincon/Southeast Sub-regional Plan (RSSP)* Characterizes the I-10 corridor as a Multi-functional corridor to designate areas for the integrated development of complementary uses along major transportation corridors. These areas contain commercial and other nonresidential services and high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian. Medium-high urban land use intensities are supported.

Urban Industrial uses are also anticipated at developing nodes along the corridor. In the general area of the rezoning site, the *RSSP* states, “*Most of this area is planned for Urban Industrial uses, in response to existing uses, location of the railroad and interstate highway, and the impact of the AEZ. Areas adjacent to the highway are planned Multifunctional Corridor to respond to needs and opportunities for providing services to travelers. In spite of existing residential zoning, the plan categories reflect the fact that the area appears to be suitable for business and industrial uses.*”

Applicable site-specific policies within the *RSSP* address site analysis, archaeological and historic elements, site design, circulation, landscaping, transportation and waste water. The policies are all addressed through UDC requirements or rezoning conditions.

Consistent with *Plan Tucson* and the *RSSP*, the City supports the rezoning. The City has acquired all of the residential properties east of Craycroft Road, from the I-10 Frontage Road, south to Los Reales Road as part of a strategy to transition the area from residential uses to commercial and industrial uses that are compatible with the landfill operation. The owners of the subject properties agreed with the City, as part of the Pre-Annexation Development Agreement (PADA), to pursue rezoning of the site to eliminate the residential zoning, and continue the transition of the area zoning to industrial/commercial.

### **Design Considerations**

Land Use Compatibility – The rezoning site consists of two parcels under separate ownership, totaling 14.61 acres. Generally, the site is long (approximately 2325 feet) and narrow (about 265 feet), fronting along the I-10 ROW, in a northwest to southeast orientation. Approximately 60% of the site, extending away from the boundary along the I-10 ROW is zoned C-2. The remainder is zoned R-1. The R-1 zoning continues to the adjacent properties, containing approximately 25 acres. Traffic to and from the site will not be routed through any neighboring subdivision.

The City supports rezoning the site to further the objective of transitioning from residential to commercial/industrial zoning in the vicinity of the Los Reales landfill. The applicant proposes to rely on the UDC to guide the development design for the site. While the City supports the rezoning without a detailed Preliminary Development Plan (PDP) to guide the future development of the site, rezoning land for industrial uses that is adjacent to residential zoning

raises broad categories of compatibility concerns regarding privacy, noise, visual impacts and traffic. Therefore, staff is proposing rezoning conditions to promote compatibility, should residential development occur on the adjacent properties. The conditions are written in the context of adjacent residential zoning. Should the adjacent zoning change to non-residential, the conditions will no longer apply.

Drainage/Grading/Vegetation – The land exhibits little topographic variation, shallow slopes, drain water across the site from northeast to southwest. Three watersheds impact the site. The flows are generally considered sheet flow, and none of the flows exceed 100 cubic feet per second (CFS). The property is not affected by a FEMA Special Flood Hazard Area. The site is located in Zone X which FEMA defines as being outside the 500 year flood plain. There are no watercourses on the site that are regulated by the Environmental Resource Zone, or the Watercourse, Amenities, Safety and Habitat (WASH) Ordinance (TC 29, Article VIII).

Existing on-site vegetation consists of Sonoran Desert Scrub, Paloverde-Mixed Cacti Series. The predominant plant species are creosote, cholla, sparse occurrences of velvet mesquites and various cacti. The land surrounding the site is mostly vacant. Views into the site are of the vegetation described above. Views from the site to the north reveal single-family residences across I-10, to the south – vacant land, to the west – truck repair service, and to the south landfill.

Road Improvements/Vehicular Access/Circulation – Currently, the rezoning site only has access to South Burcham Avenue, an unimproved local street. As part of the PADA, the City has agreed to grant a 90 foot-wide access across its acquired properties to South Craycroft Road, or to Los Reales Road. Applicant indicates the site will have right-in, right-out access onto the east bound I-10 Frontage Road. Vehicles will enter the frontage road at Craycroft Road to access the site, and will leave the site eastbound and exit the frontage road at Wilmot Road.

Utilities – Future development will connect to the 8-inch sewer line in Craycroft Road. Tucson Water has indicated through the annexation agreement that it will provide water to the site. The site is within the service area of Tucson Electric Power. Southwest Gas has indicated its ability to serve the site through natural gas main located in a utility easement at the northwest side of Craycroft Road. Century Link has indicated their ability to serve the site from existing lines along the eastbound I-10 Frontage Road. Cox and Comcast service areas do not include the rezoning site.

Existing Improvements – There are no buildings on the site. An existing wire fence runs along the I-10 Frontage Road boundary. There are no billboards on the site.

**Conclusion** – The proposed zoning is in compliance with *Plan Tucson* and the direction of the *Ricon/Southeast Subregional Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan and the design compatibility report, both dated October 24, 2017, and required reports, are 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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

6. 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, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
8. All dumpsters, loading zones, and any other outdoor activities shall be located a minimum of 50 feet from the boundary of adjacent residential zone.
9. Buildings within 100 feet of residential zone shall be one story and have a maximum height of 40 feet. Windows, associated with a mezzanine, and facing a residential zone, shall be clerestory with the bottom sill a minimum of six (6) feet above the mezzanine floor.

10. Outdoor storage within 50 feet of a residential zone shall separately screened with an opaque screen and the stored material height shall not exceed the height of the screen.
11. Idling trucks shall be parked a minimum of 75 feet from a residential zone.
12. Outdoor activity shall be a minimum of 75 feet from a residential zone.
13. Portions of the rezoning site are within 500 feet of the boundary of the Los Reales Landfill, therefore future development may be subject to Chapter 29, Article IX of the Tucson Code regarding Development Regulations and Public Notice in the Proximity of Designated Landfills. The developer shall contact Environmental Services, prior to the submittal of any plans to determine applicability of the Chapter 29, Article IX.

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(I).

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 C9-17-08 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for 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 Special Exception Land Use in Case C9-17-08.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use 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 Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use 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 Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, 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 and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-17-08.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
 )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:  
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.

**PUBLIC FACILITIES AND SERVICES REPORT FOR JANUARY 4, 2018**  
(as of December 20, 2017)

**C9-17-11 MidFirst Bank – I-10 and Craycroft Road, R-1 and C-2 to I-1**

**CITY AGENCIES**

**No Objections Noted**

Planning & Development Services – Community Planning  
Planning & Development Services – Zoning Review  
Planning & Development Services – Sign Code  
Planning & Development Services – Engineering  
Planning & Development Services – Landscape  
Tucson Water New Area Development  
City of Tucson, Real Estate Program  
Transportation – Engineering  
Transportation – Traffic Engineering  
Tucson Fire Department  
Community Services – Historic Preservation Officer  
Tucson Parks and Recreation  
Tucson Police Department  
Tucson Parks and Recreation  
Environmental Services

**NON-CITY AGENCIES**

**PAG-TPD:** No comment

**No Objections Noted**

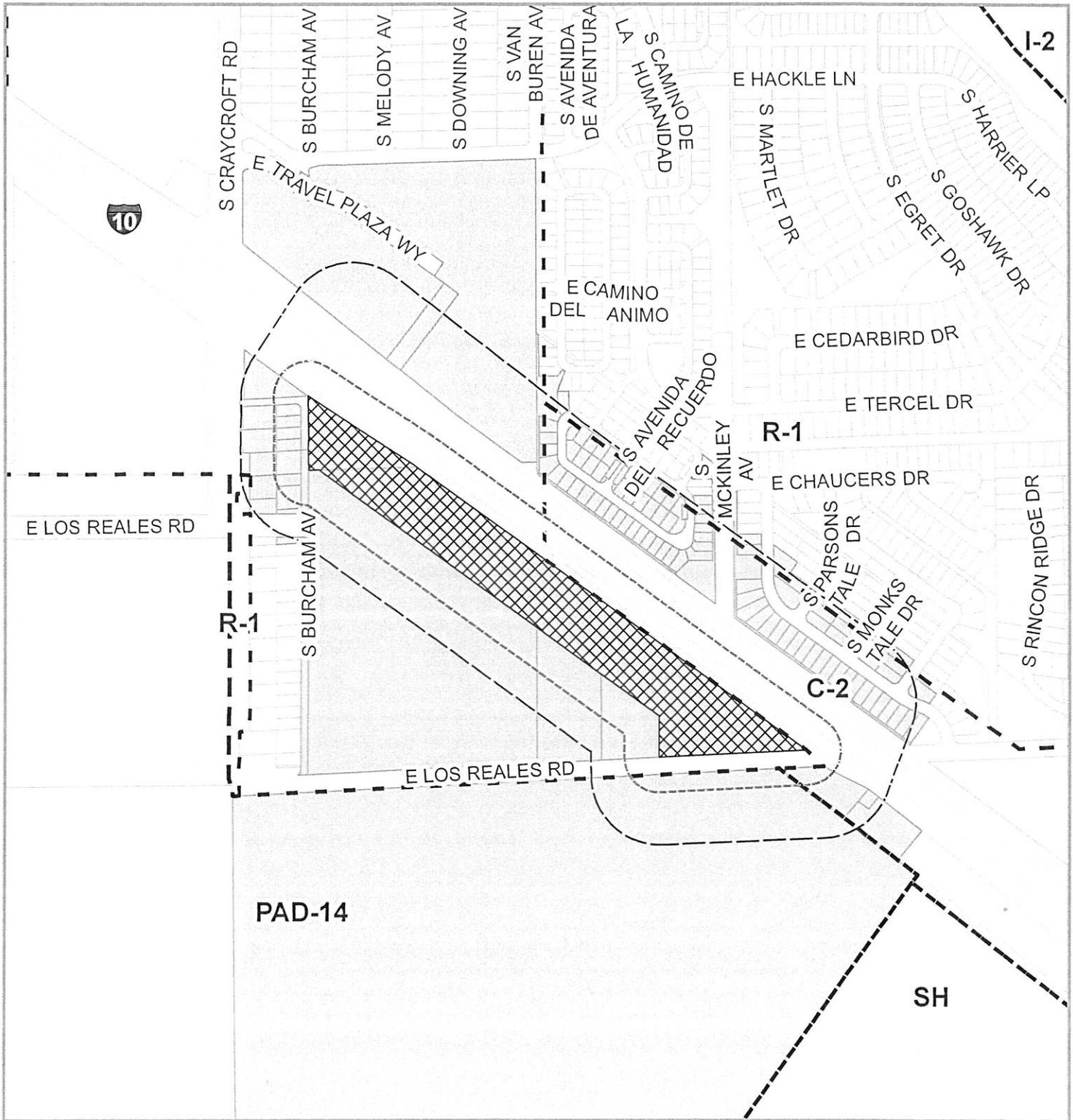
Pima County Planning and Development Services  
Tucson Unified School District  
Pima County Wastewater  
Arizona Department of Transportation  
Pima County Transportation and Flood Control  
Pima County Parks and Recreation  
Davis-Monthan Air Force Base  
Tucson Electric Power

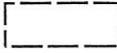
Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, December 20, 2017 at <https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



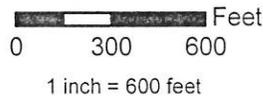
**C9-17-11 - MidFirst Bank I-10 and Craycroft Rd.**

Rezoning Request: from C-2 and I-1 to I-1



-  Area of Rezoning Request
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: Interstate 10 and Craycroft Rd.  
 Base Maps: Twp. 15S R. 14E Sec. 13  
 Ward: 5



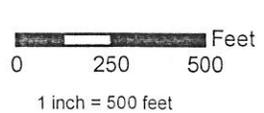
C9-17-11  
MidFirst Bank - I-10 and Craycroft



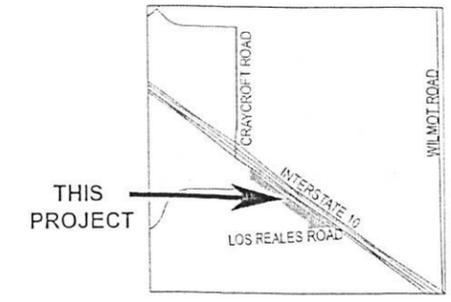
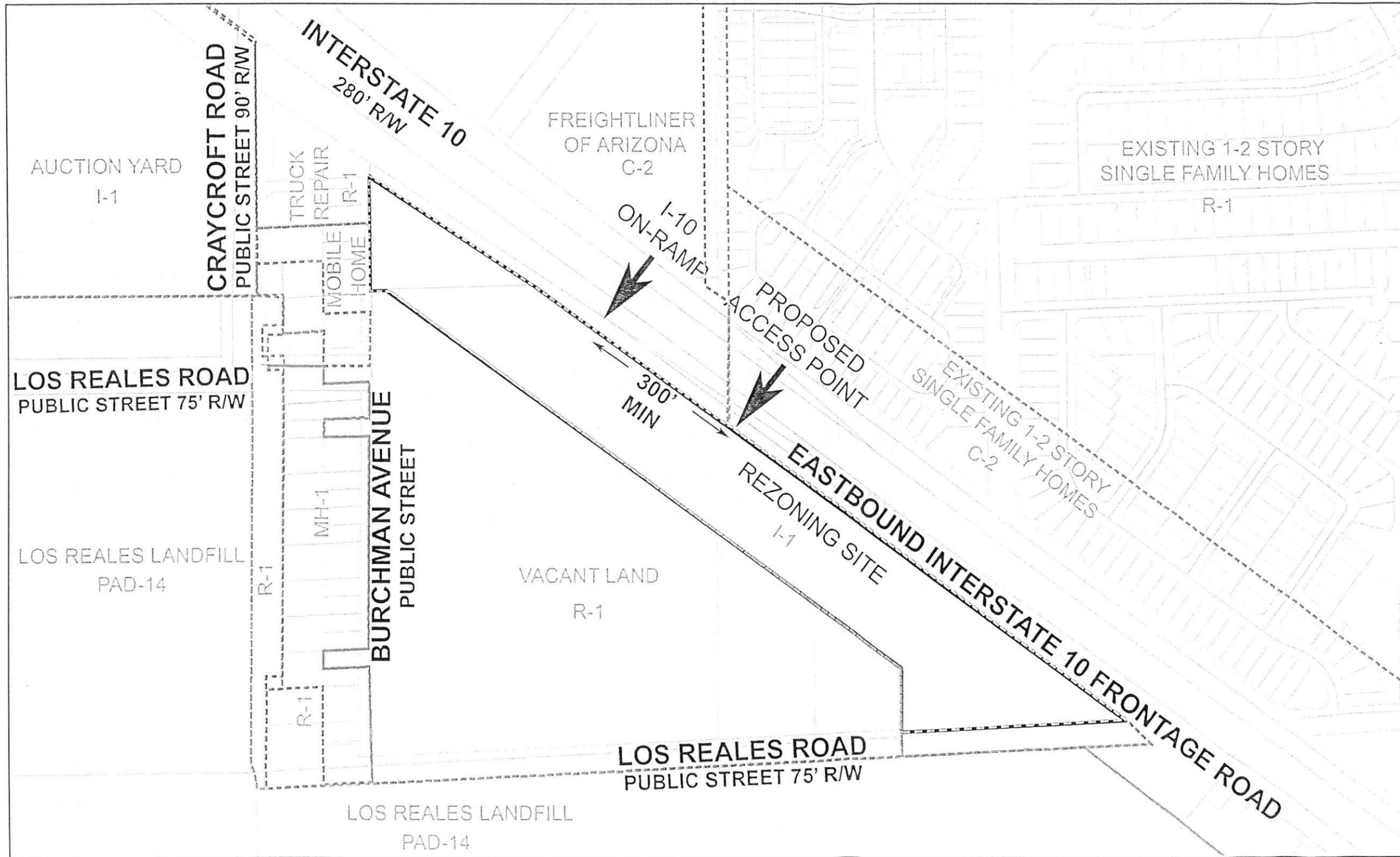
Area of Rezoning Request



Address: I-10 and Craycroft Rd.  
Base Maps: Twp.15S Range14E Sec. 13  
Ward: 5



Preliminary Development Plan



**TABULATIONS**

SITE ACREAGE: 14.5

EXISTING ZONES: CITY OF TUCSON C-2 (COMMERCIAL ZONE) & R-1 (RESIDENCE ZONE)

PROPOSED ZONE: CITY OF TUCSON I-1 (LIGHT INDUSTRIAL ZONE)

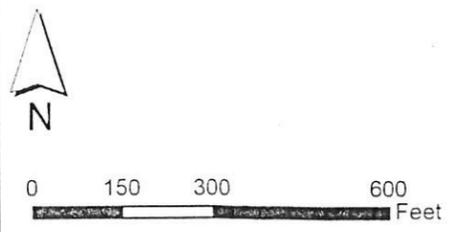
PROPOSED USES: INDUSTRIAL/COMMERCIAL

EXISTING USES: VACANT- UNDISTURBED

**LEGEND**

----- SITE ACREAGE: 14.5

2' CONTOURS



Data Source: Pima County, 2017



## 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 there are protests from 20% of the property owners within 150’ of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150’, then an affirmative vote of ¾ of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-17-11 MidFirst Bank – I-10 and Craycroft Road, R-1 and C-2 to I-1**

**Ward: 5**

\_\_\_\_\_  APPROVE the proposed rezoning/special exception  
 I/We the undersigned property owners, wish to  PROTEST the proposed rezoning/special exception

**Reason:**

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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

C9-17-11 (mw)

Expose this flap - Affix stamp and return

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

C9-17-11 (mw)

**IMPORTANT REZONING NOTICE ENCLOSED**