



# MEMORANDUM

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DATE: June 27, 2018  
For July 12, 2018 Hearing

TO: Zoning Examiner

FROM:   
Scott Clark  
Planning & Development Services  
Interim Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-17-13 Spieth – Vine Avenue, R-2 to P (Ward 5)

**Issue** – This is a request by Jim Sullivan of Sun ‘n Fun Construction, LLC, on behalf of the property owners Volker and Lilian Spieth, to rezone a vacant lot of approximately 0.15 of an acre from R-2 (residential) to P (parking) zoning. The rezoning site is located on the southeast corner of Vine Avenue and 16<sup>th</sup> Street (see Case Location map). The preliminary development plan (PDP) proposes the development of a seven (7) space parking lot to provide overflow parking for customers and employees of Roma Imports Market, a retail and food service use located approximately 100 feet south of the rezoning site. The proposed parking lot will be accessed directly by a one-way entrance drive from 16<sup>th</sup> Street with a one-way exit drive onto Vine Avenue.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of P (Parking) zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Vacant

### Surrounding Zones and Land Uses:

North: Zoned Park Industrial (P-I): Cox Cable Company and University of Arizona Motor Pool lot;  
South: Zoned Industrial (I-1): industrial and commercial uses.  
East: Zoned Industrial (I-1): contractor’s yard and other industrial and commercial uses;  
West: Zoned Residential (R-2): single and multi-family residences.

Previous Cases on the Property: none

Related Cases:

C9-07-15 Tu Nidito – Mountain, R-2 to P This was a rezoning request for 0.20 acres located at the southeast corner of Mountain Avenue and Duke Drive to allow the development of a new surface parking lot on the east side of the existing Tu Nidito Medical Service buildings. On February 12, 2008, Mayor and Council adopted Ordinance No. 10501, effectuating the rezoning.

C9-16-07 Enterprise – Lee Street, R-2 to P This was a rezoning request for 0.17 acres located on the south side of Lee Street, approximately 210 feet west of Stone Avenue for the development of a vacant lot into an eleven (11) space parking lot to support an adjacent Enterprise car leasing facility. On September 7, 2016, the Mayor and Council voted 7 to 0 to adopt Ordinance No. 11397.

**Applicant’s Request** – P (Parking) zone is requested for development of a parking lot to accommodate customer and employee parking for an existing import food market which is located approximately 100 feet to the south of the rezoning site.

**Planning Considerations** – Policy direction is provided by *Plan Tucson (PT)* and *Arroyo Chico Area Plan (ACAP)*

*Plan Tucson (PT)*: The proposed development is consistent with the applicable Land Use, Transportation, and Urban Design Policies of *PT*, and the supporting guidelines for Development Review. *PT* policy supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions. This site is within a Business Center as identified on the Future Growth Scenario Map of *PT*. Business Centers are major commercial or employment districts that act as major drivers of Tucson’s economy and 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.

*Arroyo Chico Area Plan – (ACAP)*, The *ACAP* was developed in order to encourage a compatible mix of residential, industrial, and business uses in the plan area, while protecting the integrity of existing neighborhoods. The project site is located in an area classified in the *ACAP* as appropriate for industrial and commercial uses.

The proposed rezoning site consists of a single vacant 0.15 parcel, which is rectangular in shape (approximately 136 feet by 45 feet). To the north across 16<sup>th</sup> Street is the Cox Cable Company and a University of Arizona Motor Pool lot with garage and fueling station, zoned P-I. To the east across an alleyway and on the west side of Cherry Avenue are industrial uses and contractor storage yards, zoned I-1. To the south are industrial and commercial uses zoned I-1, and to the west are single- and multi-family homes in the R-2 zone.

The parking area is for use by customers and employees of the Roma Imports Market, which is located three parcels to the south of the rezoning site. The parking use will not generate additional traffic within the neighborhood and will provide some relief to on-street vehicle parking in the area.

Field inspection by staff indicates there are currently no billboards on the rezoning site. PDSD Signs Division states that the property this parcel will serve is not immediately adjacent and therefore, no off-site signage may be displayed to advertise the non-adjacent parcel. However, parking and directional traffic flow signage is permitted.

### **Design Considerations**

Land Use Compatibility – The rezoning request to P (Parking Zone) is to allow additional vehicle overflow parking for customers and employees of the nearby retail food market to improve the existing parking situation and ease on-street parking congestion in the immediate area. No dumpsters may be located within the P zone.

The applicant attended a rezoning presubmittal conference meeting on April 19, 2017. Issues covered included landscaping, access, reflectivity of the paved surfaces and reducing the heat absorption quality of dark pavement with lighter paving materials (the applicant proposes using concrete to increase the reflectivity of the parking area and mitigate urban heat island effects), access, sidewalk improvements, and the requirement for one ADA space in the parking lot.

On July 28, 2017 the applicant held the required neighborhood meeting, where there were two attendees, both commercial property owners from the neighborhood, plus the applicant and the property owners as well as a recording secretary to take minutes. Issues discussed included traffic, access, paving materials, landscaping, and sidewalk improvements.

Drainage/Grading/Vegetation – A 10-foot wide landscape border with drought-tolerant vegetation, including canopy trees and shrubs is proposed along street frontages. The paved area is required to drain towards depressed water harvesting basins. Irrigation and maintenance of the landscaping is required. The site is currently connected to Tucson Water service.

Road Improvements/Vehicular Access/Circulation – The PDP shows that the proposed parking area will be accessed by a one-way drive from 16<sup>th</sup> Street with one-way egress onto Vine Avenue. Road improvements are not proposed as part of the rezoning request but new concrete pedestrian sidewalks and access drives are proposed. Both Vine Avenue and 16<sup>th</sup> Street are local streets.

**Conclusion** – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson*. A plan amendment to the *Arroyo Chico Area Plan* is not required. The parking lot for customers and employees of the nearby import market will help reduce the number of vehicles parking along the local streets. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.

## PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan and the design compatibility report, both dated May 3, 2018, 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. No dumpsters shall be placed on the rezoning site.
7. 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.
8. Graffiti shall be removed within seventy-two (72) hours of discovery.

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 C9-17-13 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 C9-17-13.

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.

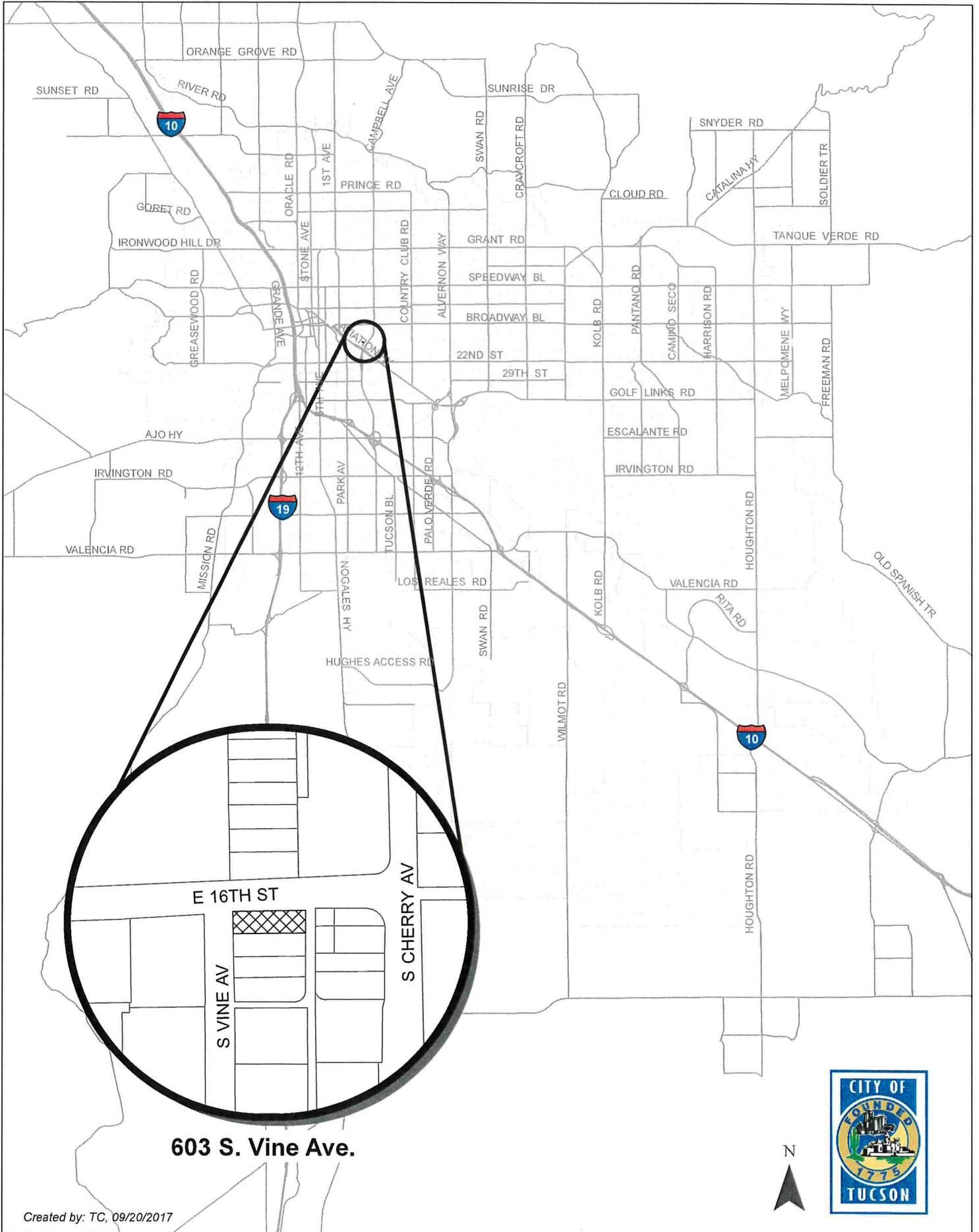
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior 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.

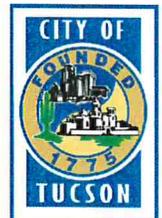
The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify



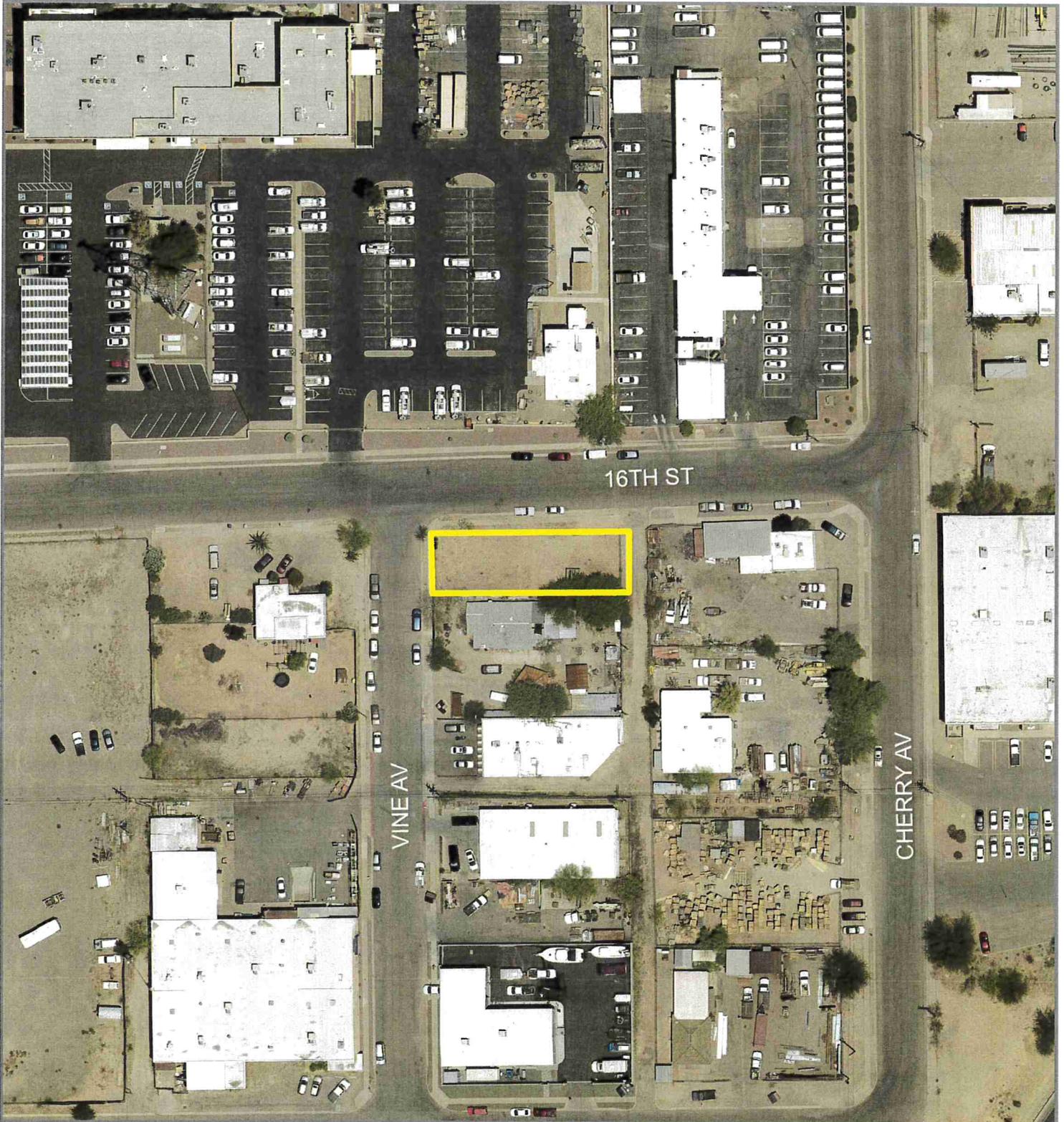
# C9-17-13: Spieth - Vine Ave.



**603 S. Vine Ave.**



# C9-17-13 Spieth - Vine Ave. Rezoning Request: R-2 to P



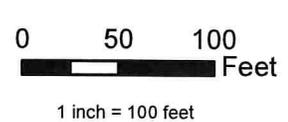
 Subject Property



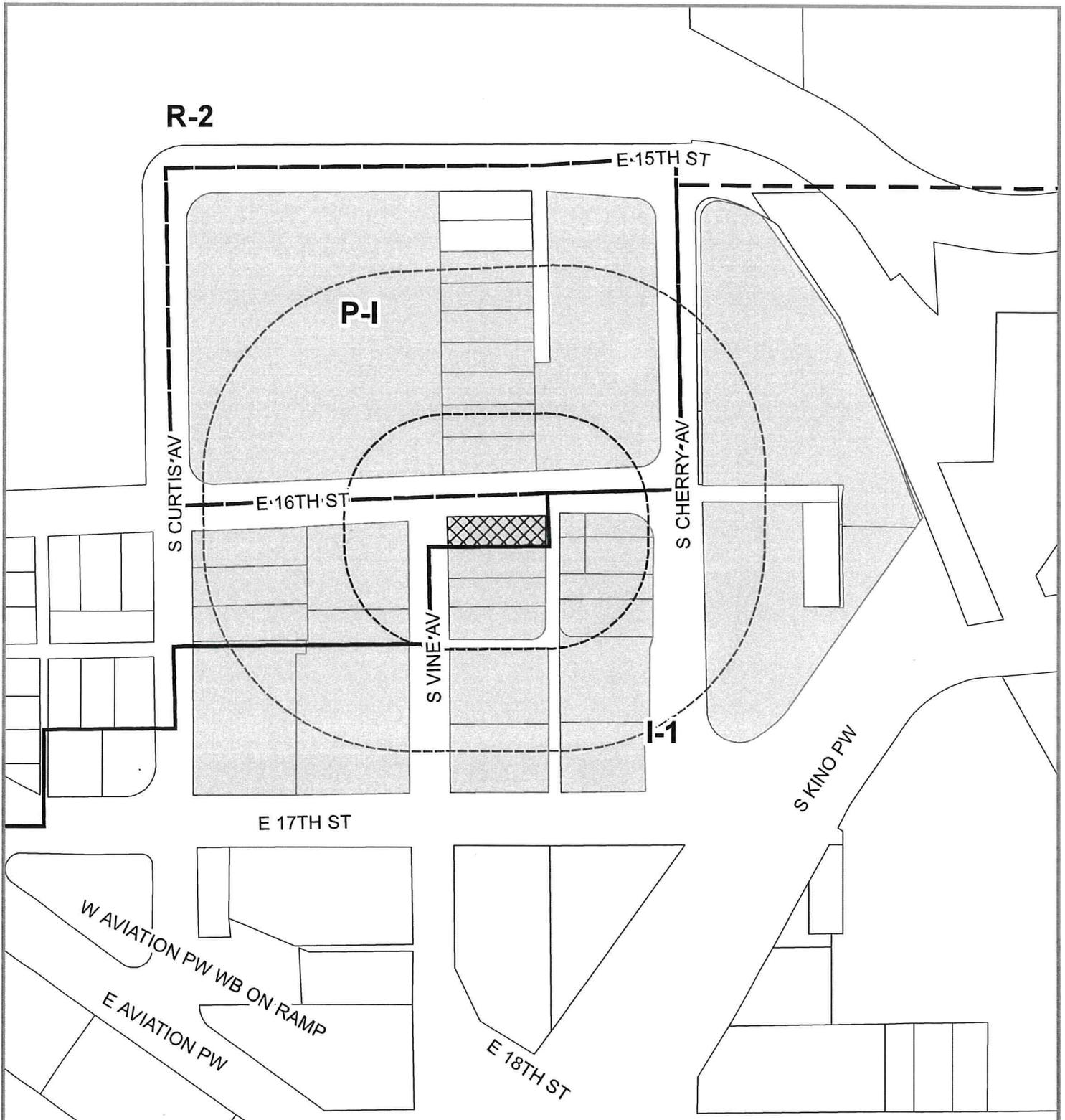
Address: 603 S. Vine Ave.  
Base Maps: Twp.14S R.14E Sec. 18  
Ward: 5

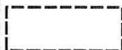
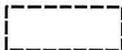
2016 Aerial

Created by: TC, 09/20/2017

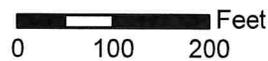


**C9-17-13 Spieth - Vine Ave.**  
**Rezoning Request: R-2 to P**



-  Subject Property
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 603 S. Vine Ave.  
 Base Maps: Twp.14S Range14E Sec. 18  
 Ward: 5



1 inch = 200 feet







## 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: C9-17-13 Spieth – Vine Avenue, R-2 to P  
Ward 5**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- APPROVE the proposed rezoning/special exception
- 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 \_\_\_\_\_

C9-17-13

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**City of Tucson** PMc  
Planning & Development Services  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-17-13  
IMPORTANT REZONING NOTICE ENCLOSED