



MEMORANDUM

DATE: March 28, 2018
For April 12, 2018 Hearing

FROM: Scott Clark *Lynne Birkmeier for*
Planning & Development Services
Director

TO: Steven Shell
Zoning Examiner

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-18-02 The Baffert at 5-Points
HC-3 to C-3 and C-3 to HC-3 (Ward 6)

Issue – The applicant (KBL, L.L.C.) is proposing a boundary amendment to the Amory Park Historic Preservation Zone (HPZ) to develop a mixed-use project at 747 S. 6th Avenue. The new building would be called the Baffert. The property is zoned HC-3 and is within the Infill Incentive District (IID). The developer intends to use the IID, however, the HPZ development standards limit the height at this site to 24 feet. To achieve the desired project height, and ensure no net loss of historic structures within the HPZ, the applicant is proposing to remove his property at 747 S. 6th Avenue (HC-3 to C-3) from the HPZ and add (C-3 to HC-3) the parcel at 733 S. Stone Avenue, (Wanslee Motors) to the HPZ. The owners of the Wanslee Motors site have agreed to the parcel being included in the HPZ. The proposed amendment to the HPZ boundary would remove the historic structure associated with 747 S. 6th Avenue from the HPZ, while adding the historic structure associated with 733 S. Stone Avenue to the HPZ, resulting in no net loss of historic structures in the HPZ.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-3 and HC-3 zoning as requested, subject to the attached preliminary conditions.

Background Information

To remain consistent with the application materials, the property at 747 S. 6th Avenue is hereinafter referred to as Parcel A, and the property at 733 S. Stone Avenue is referred to as Parcel B.

Existing Land Use: Parcel A: 1937 carriage house (720 SF) on 14,045 SF lot
Parcel B: Automobile Sales on 3,182 SF (Two parcels)

Zoning Descriptions:

Commercial Zone (C-3): This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

The purpose of the HPZ and HL designation is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of significant historic districts, neighborhoods, buildings, structures, sites, objects, and archaeological resources. These designations are intended to ensure the preservation of significant historic and archaeological resources, and to keep them in active use or management in their historic appearance, settings, and locations. It is also intended that new or remodeled buildings or structures located within HPZs or HL properties be designed and constructed to harmonize and be compatible with existing buildings and structures within the sites and development zones in order to preserve property values, provide for appropriate future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

Surrounding Zones and Land Uses:

- North: Parcel A – Zoned HC-3; Auto Sales
Parcel B – Zoned C-3; Social Services
- South: Parcel A – Zoned C-3; Commercial and Residential
Parcel B – Zoned C-3; Restaurant
- East: Parcel A – Zoned HR-3; Residential
Parcel B – Zoned HC-3; Auto Sales
- West: Parcel A – Zoned C-3; Restaurant
Parcel B – Zoned C-3; Public Park

Previous Cases on the Property: C9-74-19 Armory Park Historic Residential District. This was the rezoning case that established the APHD and attached the “H” to the zoning of every parcel within the zone.

Related Cases:

C9-16-12 West University HPZ Boundary Amendment – University Blvd and 4th Ave HC-3 and HR-3 to C-3 and R-3 zone. This was a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to remove the Trinity Church properties from the West University Historic Preservation Zone (HPZ) and rezone the parcels from HC-3 and HR-3 to C-3 and R-3 zoning. The rezoning site is located at the southeast corner of University Boulevard and 4th Avenue.

Project Description: The two properties involved, Parcel A, owned by the applicant Lawrence Kappler, of KBL 747 LLC, and Parcel B, owned by Thomas and Dorothy Ann Epperson, are

within the Amory Park Neighborhood and both contain contributing structures in the Amory Park National Register District. The contributing structure on Parcel A is a 720 SF carriage house dating from 1937. The contributing structure on Parcel B is “The Point” at 5-Points which has been landmark since 1930 and perhaps the most commonly recognized structure at the 5-Points intersection. As part of the project, the applicant is currently renovating the carriage house as approved by the Amory Park Historic Zone Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee. No changes are proposed for Parcel B at this time.

The applicant is proposing a 3-story, 48-foot maximum height, mixed-use development on Parcel A, which is within both the HPZ and the Downtown Infill Incentive District (IID). The IID would allow the 48-foot tall building, however, the HPZ restricts building height for new structures to the height of the nearest contributing structure of the HPZ. In this case, that is 24 feet. HPZ design standards take precedent over the IID, therefore, the only path to achieve the needed height is to seek the boundary amendment. The proposal attempts to balance the applicant’s desire to revitalize and enhance the 5-Points intersection with the preservation of historic structures and inventory.

Historic Review

On March 21, 2017, the Amory Park Historic Zone Advisory Board voted unanimously to reject the proposal to remove the property at 747 S. 6th Avenue (Parcel A) from the HPZ. Objections to the proposal centered on the removal of the property from the HPZ as irreversible; it encourages commercial encroachment upon the district, and the proposed “swap” is inequitable in terms of square feet and lack of adjacency to the neighborhood. The Amory Park Historic Zone Advisory Board Legal Action Report is attached.

On March 23, 2017, the Tucson-Pima County Historical Commission Plans Review Subcommittee voted 4 - 2 to forward a favorable recommendation to the Mayor and Council to initiate the rezoning process to amend the HPZ for the “The Baffert” project. The Plans Review Subcommittee noted that whereas it is troubling to the subcommittee anytime a property is proposed to be removed from the HPZ, it recommends the initiation due to the fact that the project area for the proposed development is a currently vacant site and no demolition of the existing carriage house or any other historic property is proposed as submitted. The subcommittee included the following conditions with their recommendation:

1. Historic carriage house will be subject to standard HPZ design review/demolition approval process for any future proposed changes in perpetuity (i.e., run with the property as a condition of the boundary amendment rezoning);
2. The proposed development and any future development on the site to be reviewed for compatibility with the adjacent HPZ by both the T-PCHC, PRS and Amory Park Historic Zone Advisory Board in perpetuity; and,

3. Building height will be limited to no higher than forty-eight (48') feet in perpetuity.

The T-PCHC, PRS's Legal Action Report is attached. The T-PCHC, PRS conditions of approval are included in the preliminary rezoning conditions.

Initiation of Boundary Amendment

Section 5.8.4.C.2 of the Unified Development Code (UDC) states, “[T]he Mayor and Council shall make the decision whether to initiate the process to consider the establishment of, or amendment to, a HPZ.” On November 21, 2017, after consideration of the issue at a Study Session, the Mayor and Council voted 7-0 to initiate the boundary amendment.

Applicant's Request – Applicant requests rezoning from HC-3 to C-3 for Parcel A and C-3 to HC-3 for Parcel B “to develop the KBL Property (Parcel A) as a new mixed use building and retain intact the existing historically designated Carriage House on the property. The proposed building is 3-stories (maximum 48 feet-tall) with retail space on the ground floor and 13 multi-generational units on the upper floors. The smart growth, transit oriented design of the development will enhance the 5-Points neighborhood by providing walkable and bicycle friendly dining, shopping and living opportunities.” The developer intends to use the provisions of the IID to achieve certain development goals.

Planning Considerations – Land use policy direction for this area is provided by the *Old Pueblo South Community Plan (OPS)* and *Plan Tucson*. The *OPS* covers five neighborhoods, including Armory Park. The general purpose of the *OPS* is “...overall revitalization of the *OPS* neighborhoods.” The rezoning sites are not included in the Armory Park Historic Neighborhood in the *OPS*, rather they are shown within the “Minor Functional Zone: Strip Commercial”, thereby supporting the zoning and the proposed use.

The rezoning sites are located within an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed and 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 maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Plan Tucson supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. *Plan Tucson* also supports the adaptive reuse of historic landmarks.

Plan Tucson policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

All of the uses, commercial and residential, are permitted under the existing zoning. The IID supports the use of Individual Parking Plans to address parking issues, therefore the focus of the analysis is on the design and the project's impacts on and relationship to the adjacent Armory Park Historic District (APHD). The exchange of the properties does not reduce the number of properties, or contributing structures within the APHD. While Parcel B is on the west side of S. 6th Avenue, the parcel is a contributing property in the Armory Park National Register District, and the APHD extends west of S. 6th Avenue at 16th Street, two blocks to the north, therefore including Parcel B does not appear to have any negative impacts on the integrity of the APHD. The approved rehabilitation and adaptive reuse of the carriage house is supported by *Plan Tucson*.

Parcel A is relatively flat and devoid of vegetation. It is undeveloped except for the carriage house. To the east, across Arizona Avenue, are two single family properties, zoned HR-3. North of these properties, approximately 65 feet north, and across Arizona Avenue from Parcel A, is a two-story apartment complex, also zoned HR-3. Immediately north of Parcel A is an auto sales lot and repair center. North of that, approximately 130 feet north of Parcel A is a glass gallery/museum that is the equivalent of 1.5 stories. North and west of the site, across S. 6th Avenue is a two-story structure used by a social service agency. Other surrounding commercial uses are in one-story structures, zoned C-3 commercial.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – *Plan Tucson* supports infill projects that are sensitive to the site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. Staff is recommending a rezoning condition that the ground floor remains non-residential to preserve the mixed-use intent of the building.

The 5-Points location is a unique site. The intersection's geometry as the separation point of an arterial one-way couple, and the location's gateway into Downtown support a unique infill project that serves those passing through the area, while also being scaled to the neighborhood and supportive of walking and biking.

The project complies with the above *Plan Tucson* policies through its design and orientation. The proposal is an infill development that will incorporate architectural and site features that “reinterpret” those found in the Armory Park neighborhood. The Design Compatibility Report (DCR) provides a catalog of those features. The proposed height of 48 feet is taller than other structures in the immediate area; however, the design elements will provide visual interest and prevent a “monolithic” look and feel. Building and activity orientation is toward the existing commercial-zoned properties on S. 6th Avenue and 18th Street. Pedestrian and limited vehicle access will be available onto Arizona Avenue. Balconies associated with the apartments will be on the north side, oriented toward the mountain and city views. A condition will limit balconies to the north side.

The Preliminary Development Plan (PDP) for the Baffert site is conceptual in nature because the overall design and layout of the site and structure will be governed by the IID. However, a rezoning condition will required the ultimate design to be in substantial compliance with the PDP presented for this case. Should the Design Review not comply with the PDP, the approved design will govern. To ensure the design considerations are fully vetted, staff is recommending a condition requiring review by the Armory Park Historic District Advisory Board and the Tucson-Pima County Historic Commission Plans Review Subcommittee.

Drainage/Grading/Vegetation – There is no vegetation on the site, and the property is relatively flat. The DCR states that the site will be planted with vegetation to provide shade as well as visual interest for the structure and outdoor areas. Storm water harvesting will be built into the project to provide irrigation for the landscaping.

Road Improvements/Vehicular Access/Circulation – South 6th Avenue and S. Stone Avenue are both classified as arterial roadways on the Major Streets & Routes (MSR) Map. Arizona Avenue and 18th Street are local streets. No traffic estimate was provided by the Pima Association of Governments. No road improvements are anticipated with this project. TDOT is undertaking a construction project along 18th Street, east of S. 6th Avenue. The “Five Points Sidewalk and Lighting Improvements” project will include new sidewalks and some off-street parking along the 18th Street frontage of Parcel A. Any improvements to the right-of-way, or to the traffic signal, will be the developer’s responsibility. A Traffic Statement will be required at the time of the development plan submittal.

Tucson Airport Authority (TAA) – The TAA reviewed the rezoning proposal and commented that Parcel A is within the Tucson International Airport avigation easement and public disclosure area. The developer will be required to record FAA-mandated documents. The requirements are included in the preliminary conditions.

Conclusion – Land use policy direction for this area is provided by the *Old Pueblo South Community Plan (OPS)* and *Plan Tucson*. Both plans support commercial development at this site. Plan Tucson further provides for compatibility with surrounding neighborhoods. The

proposal for Parcel A is in substantial compliance with plan policy. There will be no net loss of historic structures within the APHD. Subject to compliance with the attached preliminary conditions, approval of the requested C-3 zone for Parcel A and HC-3 zone for Parcel B is appropriate.

s:/rezoning/2018/c9-18-02 sr.doc

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan (PDP) dated January 29, 2018, and the required reports, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06. Should the approved IID design not be in substantial compliance with the PDP, the IID approval will govern.
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 completed Waiver must be filed with Planning & Development Services before the case will be scheduled for Mayor and Council action.
3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
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. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATIBILITY

7. The proposed development and any future development on the site to be reviewed for compatibility with the adjacent Armory Park HPZ by both the T-PCHC, PRS and Armory Park Historic Zone Advisory Board.

Preliminary Conditions

8. Historic carriage house will be subject to standard HPZ design review/demolition approval process for any future proposed changes.
9. Building height will be limited to no higher than forty-eight (48') feet.
10. The ground floor of the building shall be used only for non-residential uses.
11. Balconies shall be limited to the north side of the building.
12. Six (6) inch wide fence block or greater (or as determined by future design reviews) shall be used for perimeter walls.
13. 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, or as determined by future design reviews.
14. The applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. Any cranes used which are used must also be identified with Form 7460. File Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Prior to the City's approval of any construction permit for a permanent building, the property owner shall record the Avigation Easement, which discloses the existence, and operational characteristics of the Tucson International Airport to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The current property owner or person authorized to sign on behalf of the current property owner shall complete, sign, and record the Avigation Easement. Record the Avigation Easement with the Pima County Recorder's Office. Once the Avigation Easement is recorded, send a copy of the recorded easement to the Tucson Airport Authority.

The developer shall provide the Airport Disclosure Statement form, at time of sale, to new residential property owners with new unit purchases. In the event the development of any residential use does is offering rental residential units to the public, the new tenant shall be provided a copy of the Airport Disclosure Statement form to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The new property owner or new tenant shall forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority at srobidou@flytucson.com.

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 _____ 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 _____.

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 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 _____.

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:

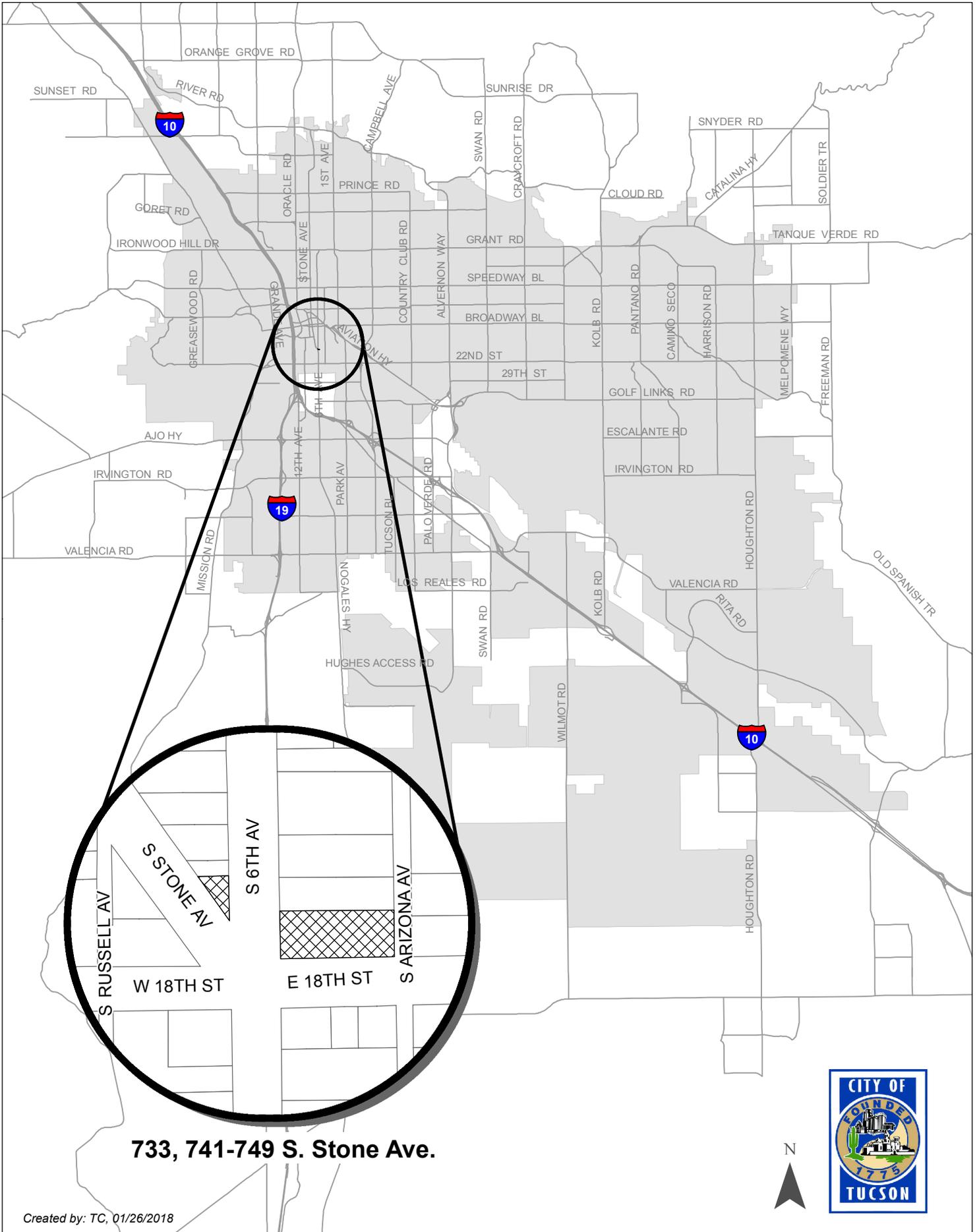
City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

C9-18-02 - The Baffert at Five-Points

Rezoning Request: From HC-3 to C-3



733, 741-749 S. Stone Ave.

C9-18-02 - The Baffert at Five-Points

Rezoning Request: From HC-3 to C-3



 Area of Rezoning Request



Address: 733, 741-749 S. Stone Ave.
Base Maps: Twp.14S Range13E Sec. 13
Ward: 6

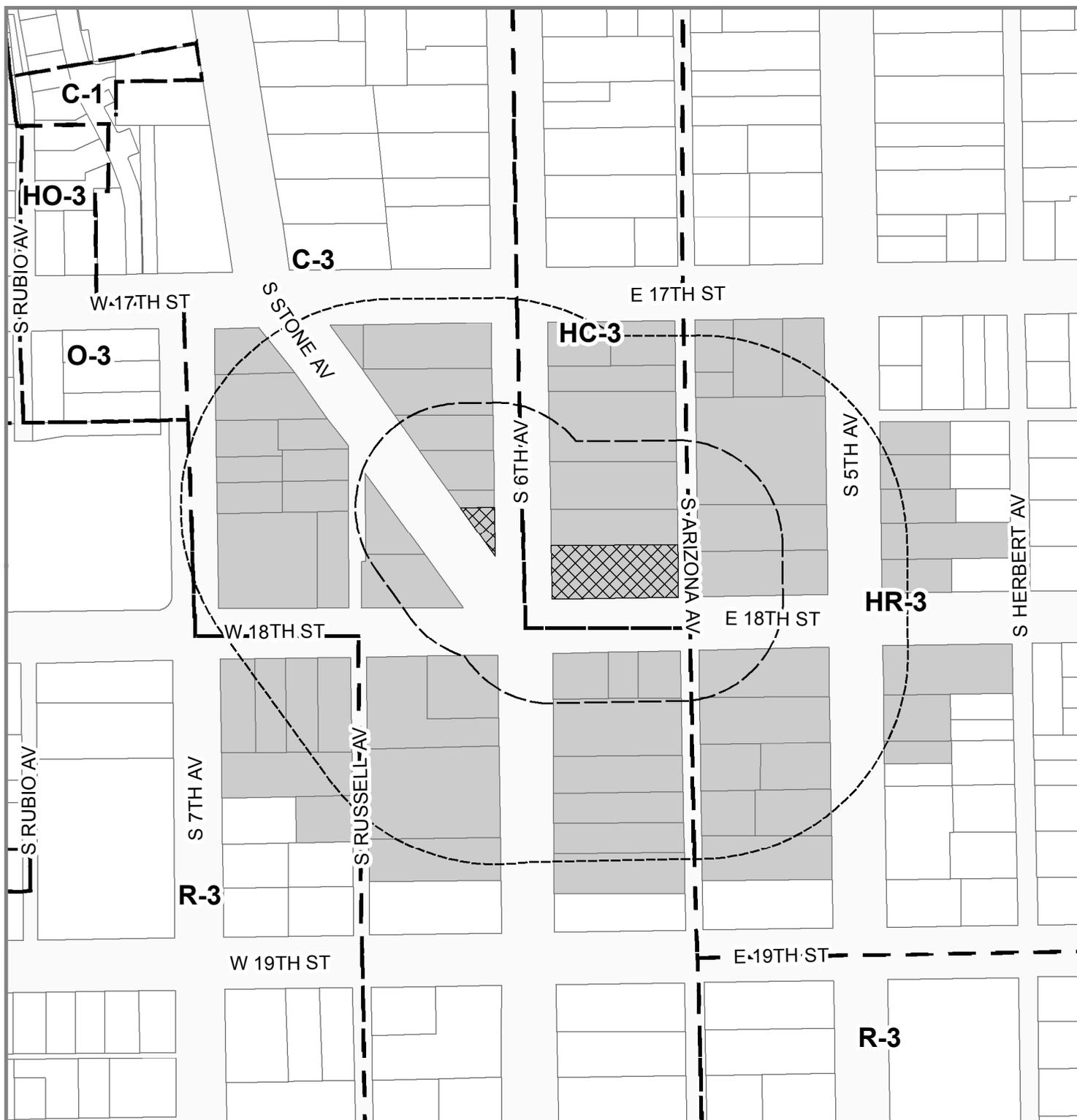
 Feet
0 100 200

1 inch = 200 feet



C9-18-02 - The Baffert at Five-Points

Rezoning Request: From HC-3 to C-3



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

Address: 733, 741-749 S. Stone Ave.
 Base Maps: Twp. 14S Range 13E Sec. 13
 Ward: 6

0 100 200 Feet

1 inch = 200 feet

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PUBLIC FACILITIES AND SERVICES REPORT FOR April 12, 2018
(as of March 27, 2018)

C9-18-02 Baffert @ 5 Points, HC-3 to C-3 and C-3 to HC-3

CITY AGENCIES

Planning & Development Services – Engineering: No Objection.
Transportation – Engineering: No Objection.
Tucson Fire Department: No Objection.

No Objections Noted

Planning & Development Services – Sign Code
Planning & Development Services – Historic Preservation Officer
Planning & Development Services – Zoning Review
Planning & Development Services – Landscape
Environmental Services
Tucson Parks and Recreation
Tucson Police Department
Tucson Water Department
Transportation – Traffic Engineering

NON-CITY AGENCIES

PAG-TPD: No estimated of traffic generation provided.
Pima County Wastewater: See attached comments dated March 16, 2018.

No Objections Noted

Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base: Avigation Easement and Airport Disclosure Statements Required. **Tucson**
Electric Power
Tucson Unified School District

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, March 28, 2018 at <https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>

Armory Park Historic District Advisory Board
Legal Action Report
21 March, 2017

1. Call to Order. Meeting commenced at 7:14 pm at St Andrew's Church Community Hall, 545 So 5th Avenue.

2. Introduction of Members and Guests. Members Present: Mark Crum, Martin Diamond, William Duffy (Chairperson), Phyllis Factor, Michael Lex, and Martha McClements. Board member Esthermarie Hillman arrived at 7:31 pm. Jack McClain was absent. Announced guests included John Burr, President, Armory Park Neighborhood Association (APNA), Ken Taylor, Carl Howard, Kenneth Love and Jeffrey Dodd.

3. Approval of Previous Meeting Minutes. The minutes of the meeting held 21 February, 2017 were accepted on a motion Mark Crum, seconded by Esthermarie Hillman.

4. Informal Review, 719 S 4th Ave. An informal review was held on the property located at 719 S. 4th Avenue. The building, which has been empty for several years has been purchased by Jeffrey Dodd and spouse. They propose:

- to remove and replace existing windows on front elevation with new, wooden, double-hung duplicates.
- to restore brick facing, repoint and paint.
- develop a new formal entryway, to be designed.
- create an overhang or awning on the front elevation constructed of tubular steel.
- erect 1' steel planters between building and sidewalk.
- construction of 7' fence between southwestern corner of property and adjoining neighbor fence.

Board members had no issue with the overall plans but expressed reservations about the 7' fence.

5. Formal Review: HPZ 17-11, 140 E. 18th St. Representatives submitted for formal review a revision of the window treatment for the model home site. At the last meeting objections were offered regarding the placement and size (proportionality) of windows to the front and rear. The size of the windows has been increased but criticism was made regarding the window's orientation to the roof eaves and the adjacent doorway. The window's height is predetermined by an interior loft. The window therefore cannot be moved or increased in size above the 8' mark. In lieu of raising the top of the window to the adjacent doorway top, it was suggested that the inclusion of a "keynote", a solid structure above the window opening, or an eyebrow awning be designed.

On the motion of Martha McClements, seconded by Mark Crum:

- 1) Windows on all sides of the property should appear to exceed the height of adjacent doorways.
- 2) Window design to the rear of property is acceptable.
- 3) Require that any plans regarding widow placement and ornamental treatment be returned to the Advisory Board following the action of other entities.

The motion was carried unanimously.

6. Formal Review, HPZ17-15, 747 So 6th Avenue. Property owner Larry Kappler proposes to remove this property from HPZ designation in order to develop it commercially. As currently zoned the highest allowable structure is 24 feet. If HPZ is withdrawn a 60 foot building is allowed. Mr. Kappler proposes a three-story structure with a 48-foot height. He also proposes a "swap" of property in the junction of 6th and Stone Avenues (the former Clyde Wanslee gasoline station) to be added to the Armory Park HPZ.

APHZAB LAR

3/21/17

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Several objections to the proposal were made. Removal of property from the HPZ is irreversible, it encourages commercial encroachment upon the district and the proposed "swap" is inequitable in terms of square feet and lack of adjacency to the neighborhood. Any precedential value of such a decision would not be in the best interests of the District.

On the motion made by Phyllis Factor, seconded by Martha McClements, APHZAB rejects the proposal to remove the address from the Historic District.

The motion was carried unanimously.

7. Call to the Public: No speakers.

8. Discussion of APHZAB Administrative Issues.

9. Adjournment. The meeting was adjourned at 8:57 pm

Respectfully submitted,

Michael Lex,
Secretary



2017

Tucson-Pima County Historical Commission

Plans Review Subcommittee

LEGAL ACTION REPORT

***REVISED**

Thursday, March 23, 2017

**4th Floor Conference Room, Joel D. Valdez Main Library,
101 N. Stone, Tucson, AZ 85701**

1. Call to Order / Roll Call

Meeting called to order at 12:07 P.M.

Commissioners Present: Terry Majewski (Chair) Arthur Stables, Jim Sauer, Sharon Chadwick, Helen Erickson, Michael Becherer

Commissioner Absent/Excused: Patsy Waterfall

Staff: Michael Taku, Jonathan Mabry, John Beall (PDSD), Robin Raine (TDOT), Alison Miller (Ward 6)

2. Approval of Legal Action Report and Summary of Minutes for 2-23-17

Motion by Commissioner Erickson to approve the Legal Action Report and Summary of Minutes 2-23-17. Motion seconded by Commissioner Becherer.

Motion passed unanimously. Voice Vote 6-0.

3. Historic Preservation Zone Review Cases

UDC Section 5.8/TSM 9-02.0.0/Historic District Design Guidelines

- a. **HPZ-16-89** – Mayou Residence - Existing Porches/Wrought Iron Fence/Roof/Stucco[Zoning Violation]- 813 South 5th Avenue-(Armory Park Historic Preservation Zone)

Staff Taku summarized the zoning violation, work done on the property without proper historic review and approval, and read into the record the recommendations of the Armory Park Historic Zone Advisory Board (APHZAB) from the meeting of 1/17/17.

Presentation by Rene Martinez, Talavera Engineering & Construction, on the existing additions without proper historic review and approval. Discussion was held. Action was taken.

*It was moved by Commissioner Sauer, duly seconded by Commissioner Stables to recommend approval as presented and noted as follows:

- (1) The proposed wall is to be a stuccoed CMU wall with wrought iron inserts;
- (2) Replacement of the roof shingles with a metal roof is acceptable with demonstration of other examples of metal roofs in the property's Development Zone and removal of A/C Unit and platform on north roof;
- (3) Porch pillars to be reconstructed in a combination of brick and stucco;
- (4) Windows on south elevation: western new window on newer addition to be stucco surrounding the window and eastern double hung window to retain existing brick surround; and,
- (5) Provide new and accurate drawings.

Motion passed unanimously. Voice Vote 6-0.

- b. **HPZ-17-11** – Subdivision/Vacant Lot into Four Lots using Flexible Lot Development (FLD) Subdivision Option [Bungalow Style Design]-140 East 18th Street-(Armory Park Historic Preservation Zone)

The applicant, architect Doug Hawkins, from Rob Paulus Architects Ltd, presented a proposal in response to APHZAB review and recommendations. Given that APHZAB had not reviewed the revised plans, subcommittee opted to continue its review.

It was moved by Commissioner Chadwick, duly seconded by Commissioner Sauer to recommend continuance to April 13, 2017, for

either a joint meeting of PRS and APHZAB or a special meeting of APHZAB prior to PRS review and recommendation.

Motion passed unanimously. Voice Vote 6-0.

- c. **HPZ-17-12** – Goldstein/Scopellite Residence - Remodel: ADA Ramp/ Bathroom /Stucco/Bricks/Tiles/Siding/Fence [Zoning Violation]-509 South 6th Avenue --(Armory Park Historic Preservation Zone)

Staff Taku read into the record the LAR of APHZAB meeting of 2/21/17.

Contractor Jim Campbell and owner Sheldon Goldstein presented the scope of work without proper historic review and approval. Discussion was held on reconstruction of the rear two story structure. Focus was on “brows,” wheelchair accessible ramp, steel fence, wood railing to match, roof details (metal standing seam), and brick on new addition facade. Action was taken.

It was moved by Commissioner Becherer, duly seconded by Commissioner Stables to recommend approval of the proposal as presented.

Motion passed unanimously. Voice Vote 6-0.

- d. **HPZ-17-15** — The Baffert Mixed Used Building at 5-Points-Historic Preservation Boundary Amendment /Planned Mixed Use Development- 747 South 6th Avenue, HC-3 (Armory Park Historic Preservation Zone)

Staff Taku, for the record, distributed copies of the recommendation from the Armory Park Historic Zone Advisory Board (APHZAB) meeting of 3/21/17 to subcommittee members.

Staff Mabry, City Historic Preservation Officer, noted that the proposal being presented is different from the Trinity case as it is not a PAD (H) but similar as it is to achieve additional height to lessen the building footprint (in lieu of the massing/volume currently allowed) and the new conceptual development plan. Additionally, staff noted that the amendment of the boundary of the HPZ by property swap will have no net change in the number of properties protected by HPZ. Finally, staff cautioned that if applicant does not opt to use the Infill Incentive District (IID), APHZAB and Plans Review Subcommittee (PRS) reviews may not be required as the design is further developed. Staff advised Subcommittee that now is the time to voice concerns and recommend conditions to the Zoning Examiner (ZE) and Mayor and Council (MC).

Staff Beall discussed rezoning processes that will apply (i.e - PRS review, neighborhood meeting, public review/comment period, ZE hearing, MC public hearing). Staff explained the role of PRS in subsequent reviews if MC decides to initiate the requested boundary amendment

Property owner, Larry Kappler, and project architect Kenneth Lowe, from Rob Paulus Architects, presented the background on the project, explained the rationale for the amendment, and discussed the design concept. Owner expressed willingness to accept any and all conditions imposed as long as the project moves forward. Discussion was held. Action was taken.

It was moved by Commissioner Becherer, duly seconded by Commissioner Stables, to note that whereas it is troubling to the subcommittee anytime a property is proposed to be removed from the HPZ, due to the fact that project area for the proposed development is currently a vacant site and no demolition of the existing carriage house or any other historic property is proposed, it recommends initiation of the Historic Preservation Zone boundary amendment as submitted subject to the following conditions:

(1) Historic carriage house will be subject to standard HPZ design review/demolition approval process for any future proposed changes in perpetuity (i.e., run with the property as a condition of the boundary amendment rezoning);

(2) The proposed development and any future development on the site to be reviewed for compatibility with the adjacent Armory Park HPZ by both the TPCHC PRS and Armory Park Historic Zone Advisory Board in perpetuity; and,

(3) Building height will be limited to no higher than forty-eight (48') feet in perpetuity.

Motion carried. Voice Vote 4-2.

4. **Historic Landmark Sign Review Cases**

Chapter 3 Tucson Sign Code, Article, Section 3-71. Historic Landmark Signs, D.2.E.2.b and c, and G.7 and 8. Ordinance Nos. 10903/11329 effective through 12/31/18. Review for Compliance with HLS Cultural/Historic/Design Designation Guidelines

HLS-17-01 – Downtown Motor Hotel” Historic Landmark Sign (HLS): Clarification/Change to Previously Reviewed Character-Defining Features as Required by HLS Treatment Plan Treatment Plan-383 South Stone

Avenue (listed as a contributing property to the Armory Park National Register Historic District and– Outside HPZ Boundary)

Staff Taku provided background to the clarification to the character-defining features. At issue was an observation by a commissioner that on a closer review of the sign, notes and audio, some of the character-defining features of the sign were not consistent with the motion. The current action is to correct the recommendation of approval from the LAR of the Plans Review Subcommittee meeting dated 2/23/2017. Discussion was held. Action was taken.

*It was moved by Commissioner Sauer, duly seconded by Commissioner Stables, to correct the LAR of the Plans Review Subcommittee meeting dated 2/23/2017. The character-defining features to be revised to read as follows:

- A. The shape of the large rectangular porcelain sign with attached exposed neon, including the shape and color of the brown wood-grain pattern and texture of the porcelain sign.
- B. The neon of the sign, including the wavy neon above the porcelain sign, and the original neon colors.
- C. The existing letter style of the character-defining text.
- D. The masonry support column of the sign and the remaining metal elements and how the sign is mounted on the support; color of the masonry and other metal elements of the sign should not detract from the overall sign.

The character-defining text of the sign to be remain unrevised as follows: "Downtown," "Motor Hotel," "Air Conditioned," and "AAA."

Motion passed unanimously. Voice Vote 6-0.

5. Courtesy Review Cases

Broadway Corridor Improvement Project – 60% Plans (Robin Raine, TDOT)

Presentation by Robin Raine, from TDOT, on the progress on the Broadway project. Staff Raine discussed how historic eligible and non-eligible properties are designated on the large-scale drawings she showed the subcommittee; city acquisition and severance mechanism; ADA compliance; jogging of sidewalks to protect historic properties. Per staff, the project is about 60% designed with next target step to be at 90% in

design. Staff had questions/answers with members of the Transportation Subcommittee of the Tucson–Pima County Historical Commission. No action taken.

6. Current Issues for Information/Discussion

a. Minor Reviews

Staff will conduct minor reviews in Armory Park, Barrio Historico, and West University.

b. Appeals

None at this time.

c. Zoning Violations

Staff continues to assist owners on abatement of violations in the City Historic Districts and Rio Nuevo Area. Staff updated on projects finalizing the abatement process.

d. Review Process for Approval of Complex Large-Scale and/or Multi-Phase Projects

None at this time

7. Call to the Audience

John Burr, President, Armory Park Neighborhood Association, spoke on neighborhood's concerns on the swap and the alternative path to height restriction in HPZs as directed by MC. Mr. Burr suggested other alternatives to the property swap and boundary amendment.

Sandee Brooke expressed concern on the potential loss of HPZ protection but supports the design concept.

8. Future Items

Historic Landmark (HL) and Historic Landmark Sign (HLS) designation

9. Adjournment

Meeting adjourned at 2:53 PM.



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: C9-18-02 The Baffert at 5-Points, HC-3 to C-3 and C-3 to HC-3
Ward 6**

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

Reason:

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

C9-18-02

Expose this flap - Affix stamp and return



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

C9-18-02 (mw)

IMPORTANT REZONING NOTICE ENCLOSED