



MEMORANDUM

DATE: April 18, 2018
For May 3, 2018 Hearing

TO: Steven Shell
Zoning Examiner

FROM: Scott Clark
Planning & Development Services
Director

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, including parcel 117-07-203A, (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, including parcel 117-07-203A, 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 Armory 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 Armory 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 Armory 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 Armory 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 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.

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 srobidoux@flytucson.com.

C9-1 8-02 The Baffert at 5 Points
HC-3 and C-3 to C-3 and HC-3 (Ward 6)
Preliminary Conditions (Revised for May 3, 2018)

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 110 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 TPCHC, PRS and Armory Park Historic Zone Advisory Board.
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, except that the eastern thirty (30) feet of the parcel as measured from the eastern property line will be limited to no higher than twenty-five (25) feet. Building heights stated herein include mechanical and accessory equipment and functional elements. Should **both** the Armory Park Historic District Advisory Board **and** the Tucson-Pima County Historical Commission Plans Review

Subcommittee recommend approval, during the IID review, of a height for the elevator shaft that exceeds 48 feet, this condition will support that approved design.

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 screen 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, Uog, 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 srobidoux@flytucson.com.

15. Developer will pay for a City of Tucson issued 24/7 parking permit for the two adjacent parcels to the property's east (738 S. 5th Ave. and 744 S. 5th Ave.) for a period of five (5) years beginning on or before the construction start date.

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:

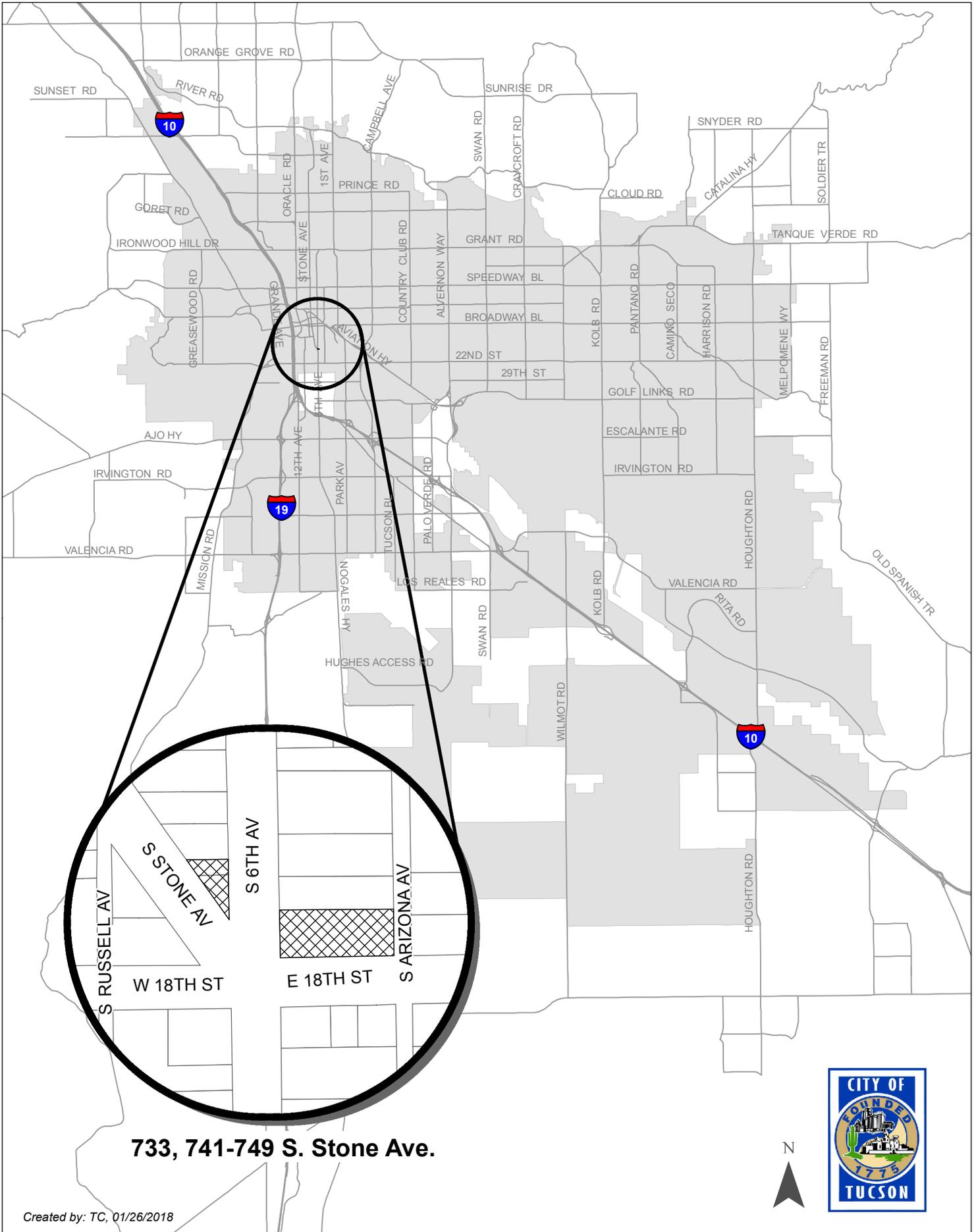
City of Tucson, an Arizona municipal Corporation:

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

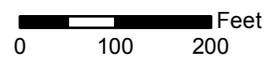
Rezoning Request: From HC-3 to C-3



 Area of Rezoning Request



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

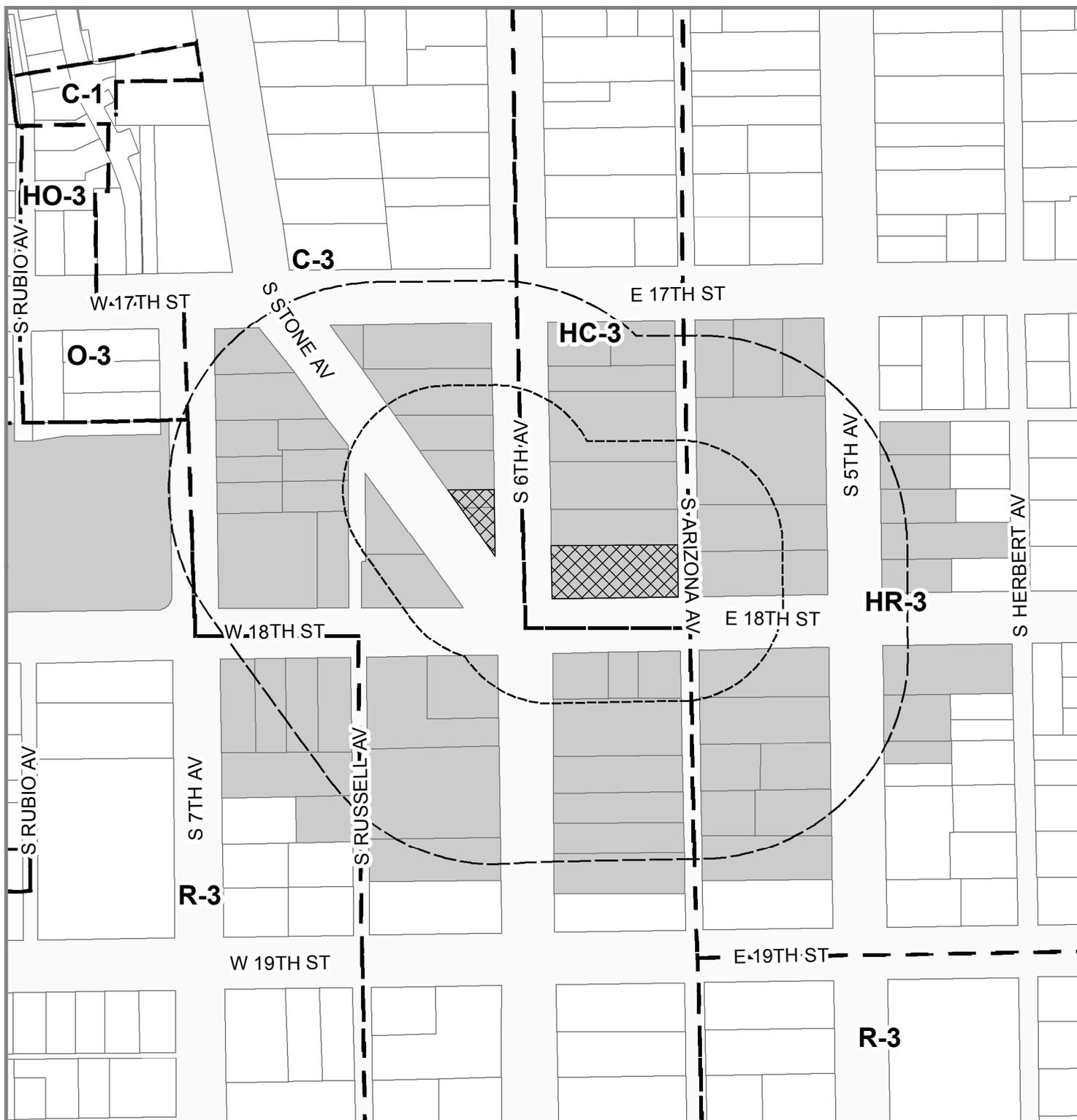
 Feet
0 100 200

1 inch = 200 feet



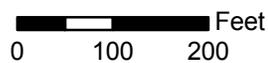
C9-18-02 - The Baffert at Five-Points

Rezoning Request: From HC-3 to C-3



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

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



1 inch = 200 feet



KBL 747, LLC

PO Box 64669
Tucson, AZ 85728

April 3, 2018

Keith Bagwell
744 S. 5th Ave.
Tucson, AZ 85701

Abbey Jackson
738 S. 5th Ave.
Tucson, AZ 85701

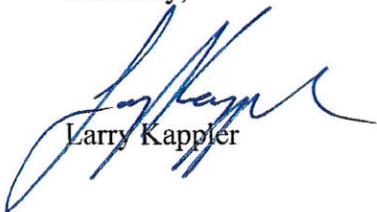
Dear Mr. Bagwell and Ms. Jackson:

As you are aware, we are proposing to develop our vacant property located at 741 S. 6th Ave. (corner of S. 6th Ave. and E. 18th St.) as a small residential/commercial mixed-use project. We understand you may have concerns that our future development could impact your ability to park in front of your homes. Subject to our successful rezoning and initiation of construction, in order to mitigate the potential impact of our project on your parking, we are offering to provide for each of your homes a 24 hour street parking permit (including one guest permit) along 5th Ave. We will also pay for the permit for a period of five years, beginning with our construction phase, after which you can cancel the permit or pay for future permits (see enclosed permit information sheet for rates).

We have met with the Director of Park Tucson, and he has agreed that we may pay for the permits if you agree to accept them. In order to obtain the permit, you must fill out the attached petition form. One set of permit/guest pass will be provided to each of you once you both have completed the petition. Park Tucson has agreed to allow this petition for just your two properties, so we only need your signatures on the petition. In addition, this petition/permits will not include our property or project; this is solely for the benefit of your homes.

If you have any questions about our offer or would like to discuss our project, please do not hesitate to contact me at lkappler@tbrconstruction.net or (520) 631-5907. If you are agreeable to the permits, please call me and I will coordinate the petition signing. Thank you for your time.

Sincerely,



Larry Kappler

Enclosure: Residential Permit Petition
Residential Permit Information Sheet

FYI-
SEE CONDITION
15

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>

March 8, 2018

Michael Wyneken
Rezoning Section
City of Tucson
Public Works Buildings – 201 North Stone Avenue
Tucson, AZ. 85701

RE: C9-18-02 Baffert Five Points Rezoning Review/ Received March 1, 2018

Dear Mr. Wyneken,

Thank you for the opportunity to comment on C9-18-02 Baffert Five Points Rezoning Review; a rezoning application for an approximately 0.39 acre site, located northeast of the intersection of East 18th Street and South 6th Avenue. The project proposes to change the current zoning on 14,045 ft² from HC-3 to C-3 and the current zoning on 3,182 ft² from C-3 to HC-3. This rezoning would ultimately support the development of retail uses on the bottom floor of the structure and residential uses on the 2nd and 3rd story of the structure.

This site is within the Tucson International Airport aviation easement requirements and public disclosure area, FAA traffic pattern airspace, and FAA Part 77 airspace.

The Tucson Airport Authority conditionally approves the subject request contingent upon the following conditions of approval, as noted below. These conditions shall be identified in the Historic Preservation Boundary Amendment document and shall be included in the General Notes of any development plans which are submitted to the City of Tucson.

Conditions of approval:

"According to the FAA Notice Criteria Tool, this project is located in proximity to a navigation facility and could impact navigation signal reception. 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. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>"

"That prior to the City's approval of any construction permit for a permanent building, the property owner shall record the Aviation 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 content of such documents shall be according to the form and instructions provided."

The current property owner or person authorized to sign on behalf of the current property owner shall complete, sign, and record the Aviation Easement. Please record the Aviation Easement with the Pima County Recorder's Office. Once the Aviation Easement is recorded please send a copy of the recorded easement to the Tucson Airport Authority by either email (send to srobidouxflytucson.com) or to the mailing address provided below.

Scott Robidoux
Senior Airport Planner
Tucson Airport Authority
7250 South Tucson Boulevard
Suite 300
Tucson, AZ 85756

The following comments only pertain to the development of residential uses and shall not be applicable to any non-residential use:

“The developer shall provide the Airport Disclosure Statement form, at time of sale, to the new property owners with new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit shall be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is 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, using the mailing address provided below.

Scott Robidoux
Senior Airport Planner
Tucson Airport Authority
7250 South Tucson Boulevard
Suite 300
Tucson, AZ 85756

Please do not hesitate to contact me if you have any questions or concerns regarding this comment letter. I can be reached by email at srobidoux@flytucson.com or by telephone at 520-573-4811.

Respectfully,



Scott Robidoux,
Senior Airport Planner

cc file

DECLARATION OF AVIGATION EASEMENT

THIS DECLARATION OF AVIGATION EASEMENT ("Declaration"), is made this _____ day of _____, 20__ by _____, a(n) _____ ("Declarant").

A. Declarant is the sole record owner in fee simple of certain real property (the "Property") located in Pima County, Arizona which is more particularly described in Exhibit "A" attached hereto; and

B. The Property is located in the proximity of Tucson International Airport (as it now exists or may hereafter be enlarged and/or developed, the "Airport"); and

C. The Property is now and in the future will be subject to noise and other effects emanating from aircraft operating at or departing from or arriving at the Airport, and changes in airport layout or operating procedures could result in increased noise influences.

NOW THEREFORE, for good and sufficient consideration, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, which shall run with the Property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport ("Benefited Parties") the right to operate aircraft in and the right to cause in the airspace above or near the Property such noise, vibrations, fumes, vapors, smoke, deposits of dust or other particulate matter, fuel particles and all other effects as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether not in existence or hereafter manufactured and developed, to include without limitation, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air.

EXHIBIT A

(Legal Description)

AIRPORT DISCLOSURE STATEMENT

The undersigned owner(s) of a lot in the subdivision known as _____, a Pima County subdivision recorded in Book _____ at Page _____ of Maps and Plats, acknowledges that the property lies in proximity to Tucson International Airport and that the property is subject to aircraft overflight and noise that may be annoying or objectionable to some persons.

Flight patterns within 5 nautical miles of Tucson International Airport (TIA) are controlled by the Federal Aviation Administration (FAA) Air Traffic Control Tower (ATCT) according to rules and guidelines for maintaining aircraft separation. The ATCT at TIA is in operation 24 hours per day. According to FAA rules, except when necessary for takeoff and landing, aircraft may not fly below 1000 ft. above ground level in populated areas.

While air traffic may be generalized into tracks, it is, by nature, dispersed. Aircraft may approach and depart the airports from any number of directions. Flight paths vary depending on a variety of factors including origin/destination, wind conditions and other aircraft in the traffic pattern. As a result, any property in the vicinity of an airport is likely to be subject to aircraft overflight and its impacts to some degree.

As traffic approaches or departs from an airport, it is lower to the ground, more concentrated and more frequent. The area where air traffic converges as it approaches and departs the airport is represented by the FAA Traffic Pattern Airspace. This area is shown on exhibit A, attached. Lower altitudes and more frequent activity increase the impacts of aircraft on the ground within this area.

The most significant impacts occur within noise contours. Noise contours depict the area where average noise exposure over a 24 hour period is considered "significant" by FAA standards. Measures such as sound insulation of structures and land use planning to exclude noise sensitive uses are required to maintain compatibility within these areas. As explained, aircraft approach and depart the airport on dispersed paths. As a result, a property that is outside established noise contours may still be impacted by the effects of periodic aircraft overflights.

Flight patterns are apt to shift or change over time. Changes in operations may occur due to weather, changes in users, changes in aircraft type, military missions, weather conditions, etc. Similarly, TIA has a master plan that identifies plans for future expansion and development needs. These plans are updated every several years to respond to the needs of the aviation community.

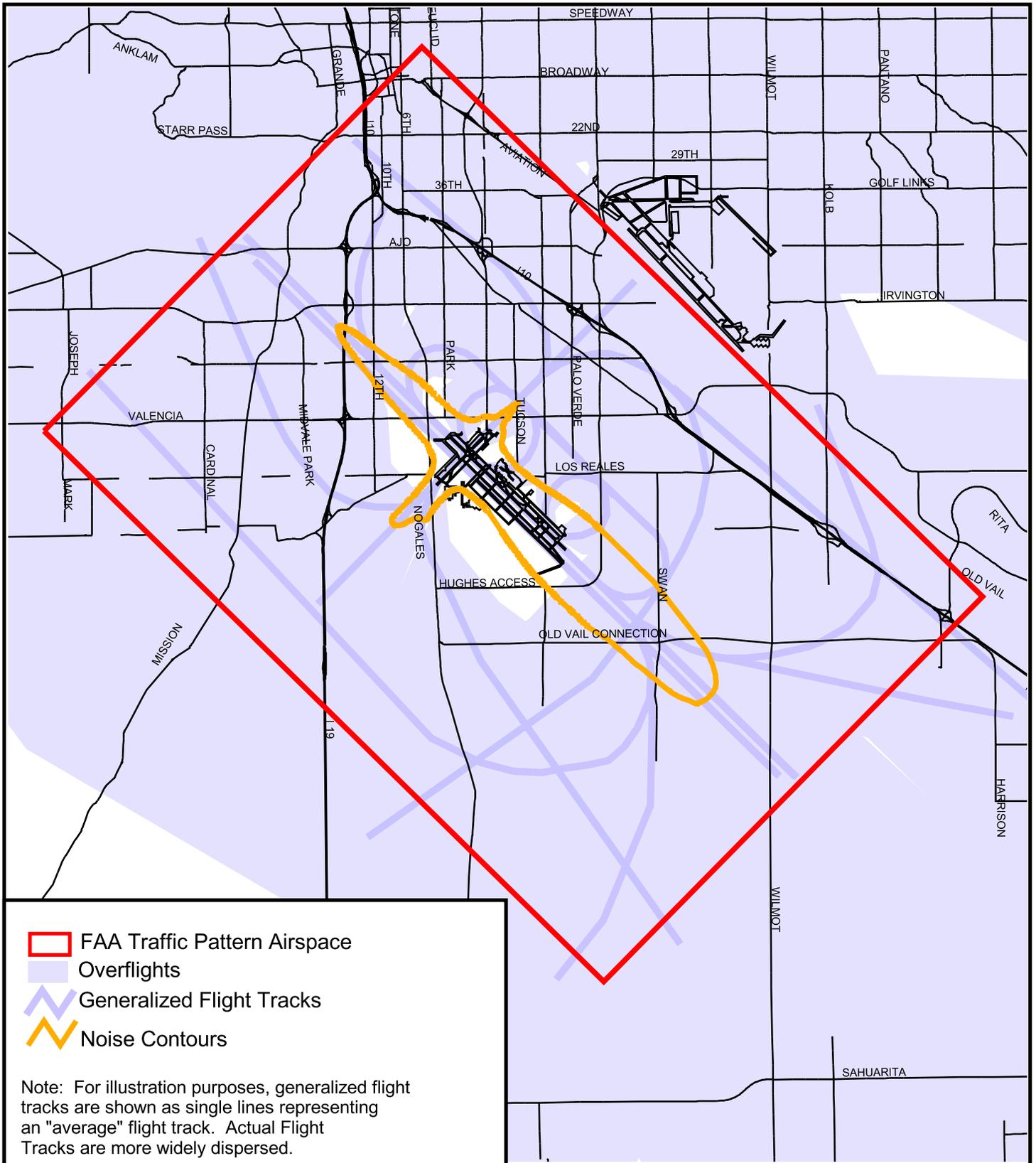
The undersigned acknowledges the Owner(s) is aware of these impacts and that the Tucson Airport Authority and all persons lawfully using the Airport have the right to operate aircraft in the airspace above and near the property.

Dated this _____ day of _____, 20_____.

Owner _____ Date

Owner _____ Date

Tucson International Airport



From: Tom Martinez <TMartinez@azdot.gov>
To: "TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov" <TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov>
CC: Hannah Olsen <HOlsen2@azdot.gov>
Date: 03/13/2018 8:22 AM
Subject: C9-18-02, Baffert Five Points Rezoning

Regional Traffic Engineering has no comments on this rezoning and supports its acceptance. The property will have no impacts to any ADOT facilities because of its location.

Thank you.

Confidentiality and Nondisclosure Notice: This email transmission and any attachments are intended for use by the person(s)/entity(ies) named above and may contain confidential/privileged information. Any unauthorized use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by email, and delete or destroy all copies plus attachments.

From: Howard Dutt
To: TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov
Date: 03/14/2018 11:26 AM
Subject: C9-18-02 Baffert Five Points Rezoning Review

No existing or proposed Tucson Parks and Recreation facilities are affected by this rezoning.

Howard B. Dutt, RLA
Landscape Architect
Tucson Parks & Recreation
(520) 837-8040
Howard.Dutt@tucsonaz.gov

From: Nicholas Jordan <Nicholas.Jordan@pima.gov>
To: "tucsonrezoning.dspo2.chdom2@tucsonaz.gov" <tucsonrezoning.dspo2.chdom2@tucsonaz.gov>
Date: 03/05/2018 9:45 AM
Subject: C9-18-02 Baffert Five Points Rezoning Review

Good morning,

Pima County Addressing does not have any comment for project **C9-18-02 Baffert Five Points Rezoning Review**.

Thank you

Nicholas Jordan

Addressing Specialist
Pima County Development Services Department
201 N Stone AV – 1st Floor
Tucson, AZ 85701
(520) 724-9623

[Click here to search for Projects and Permits or to make a Payment](#)



March 14, 2018

SENT VIA EMAIL

Michael Wyneken
Rezoning Section,
Planning and Development Services
City of Tucson
Tucson, AZ 85701

Subject: C9-18-02 Baffert Five Points – S. Sixth Avenue Rezoning / Historic Overlay Zone Adjustment

Dear Michael:

Thank you for the opportunity to review and comment on City of Tucson C9-18-02 Baffert Five Points project, to rezone approx. 0.3 acres located at the northeast corner of S. Sixth Avenue and E. 18th Street from HC-3 to C-3 zone, and to adjust the Armory Park Historic Preservation Zone Boundary.

The rezoning parcel is on the furthest southwestern corner of the boundary of the Historic Preservation Zone (HPZ), surrounded on 2 sides by the same (but non-historic) C-3 zoning. The site is also mostly cleared, with the exception of the restored carriage house on the eastern end of the property. The rezoning and adjustment to the HPZ boundary are needed for the density and height of the proposed project.

From a land use perspective, the proposed development will add some residential density to an area of mixed residential and commercial development; however, there is precedent for multi-story residential development in the vicinity (e.g., Olde Town Apartments on South 5th Avenue). The city may want to consider enacting rezoning conditions to limit first-floor commercial uses or hours of operation to reduce noise, traffic and other potential sources of disturbance to surrounding residential neighbors in the immediate vicinity.

Pima County Development Services Department, Planning Division has no opposition to the proposed rezoning and historic preservation zone boundary adjustment.

Sincerely,

A handwritten signature in blue ink that reads "Mark Holden". The signature is fluid and cursive, written over a light blue horizontal line.

Mark Holden, AICP
Principal Planner
Pima County Development Services Department, Planning Division



PIMA COUNTY
WASTEWATER RECLAMATION

JACKSON JENKINS
DIRECTOR

201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

PH: (520) 724-6500
FAX: (520) 724-9635

March 16, 2018

TO: **Michael Wyneken**
City of Tucson Planning and Development Services
Rezoning Section



FROM: Mirela Hromatka, Sr. Planner
Planning Section
Technical Services and Engineering Division

SUBJECT: **C9-18-02 – The Baffert Five Points**
Rezoning from HC-3 to C-3 (Parcel A) and from C-3 to HC-3 (Parcel B)
Historic Preservation Boundary Amendment document
Parcel A - tax parcel #117-07-226A (0.31 acre)
Parcel B - tax parcels #117-07-203A & 117-07-2050 (0.07 acre)

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning case and offers the following comments for your use. The applicant is proposing a three-story mixed-use development on Parcel A that will feature 13 multi-generational housing units, a restaurant and retail space, located at the southeast corner of 18th Street and 6th Avenue in the historic Five Points area.

The current zoning designation (HC-3) restricts the height of building to 24 feet. The applicant is seeking an approval to remove Parcel A from the Armory Park HPZ district, which would allow the applicant to increase the height of the proposed development and achieve the desired density. The applicant is currently involved in the transfer of development rights process which includes Parcel A and two other parcels (Parcel B) with different property owners located northwest of Parcel A. Parcel B includes existing structures and parking area with no new structures proposed. The zoning designation sought for Parcel B is HC-3.

The subject property (Parcel A) is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility. The existing public sewer system consists of a 33" sewer line G-62-044 in 18th Street south and an 8" sewer line G-001 in Arizona Avenue east of the property. A preliminary investigation by PCRWRD indicates that capacity for this development is currently available in the 33" sewer and possibly in the 8" sewer line. However, this is not a reservation or commitment of treatment or conveyance capacity for this development. The owner(s)/applicant(s) will have to go through the sewer capacity request process to determine the available capacity for the proposed development. Allocation of capacity is made by the Type III Capacity Response.

The PCRWRD has no objection to the proposed rezoning request or the amendment to the HPZ boundary, but adds the following conditions:

Should the City of Tucson Mayor and Council be inclined to approve this rezoning, the Pima County Regional Wastewater Reclamation Department (PCRWRD) recommends the following conditions:

REZONING CONDITIONS

1. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
2. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
3. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
4. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
5. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
6. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

If you wish to discuss the above comments and conditions, please contact me at 724-6488.

MH

Copy: Project





Tucson Electric Power
3950 E. Irvington Road, Mail Stop RC131
Tucson, AZ 85714

Telephone: 520-884-3668

March 15, 2018

City of Tucson
Michael Wyneken
Rezoning Section
Planning & Development Services

Re: C9-18-02 Baffert Five Points, HC-3 to C-3 and C-3 to HC-3

Dear Michael Wyneken,

On behalf of Tucson Electric Power (TEP), thank you for the opportunity to comment on this Rezoning Memorandum. TEP has no objections to this rezoning application.

Please call me with any questions or concerns. I can be reached at (520) 884-3668 or via email at pdubberly@tep.com.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Pdubberly', is written in a cursive style.

Patrick Dubberly
Environmental & Land Use Planner
Tucson Electric Power Company
a UNS Energy Corporation

From: "Brown, Shaun" <Shaun.Brown@tusd1.org>
To: TucsonRezoning TucsonRezoning <TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov>
Date: 03/07/2018 9:29 AM
Subject: C9-18-02 Baffert Five Points Rezoning Review

To whom this may concern,

TUSD Planning Services has no concerns to the Mixed Use with retail space use.

Shaun Brown
Planning Technician
TUSD, Planning Services
E-mail: Shaun.Brown@tusd1.org
Phone: 520-225-4767
Fax: 520-225-4939

From: Susan Montes [Susan.Montes@tucsonaz.gov]
Sent: Thursday, March 1, 2018 2:34 PM
To: jim.forbus@asr.pima.gov; sbeck@azdot.gov; tmartinez@azdot.gov; chris.poirier@dsd.pima.gov; srobidoux@flytucson.com; tболton@land.az.gov; ekramer@pagregion.com; mark.holden@pima.county; addressing@pima.gov; jeanette.DeRenne@pima.gov; mirela.hromatka@pima.gov; steve.anderson@pima.gov; tom.coyle@pima.gov; greg.saxe@rfcd.pima.gov; mburke@tep.com; Allison Diehl <Allison.Diehl@tucsonaz.gov>; Andrew Connor <Andrew.Connor@tucsonaz.gov>; Brian Wiese <Brian.Wiese@tucsonaz.gov>; Fred Felix <Fred.Felix@tucsonaz.gov>; Gary Wittwer <Gary.Wittwer@tucsonaz.gov>; Howard Dutt <Howard.Dutt@tucsonaz.gov>; Jim Rossi <Jim.Rossi@tucsonaz.gov>; John Beall <John.Beall@tucsonaz.gov>; John Vincent <John.Vincent@tucsonaz.gov>; Loren Makus <Loren.Makus@tucsonaz.gov>; Martin Brown <Martin.Brown@tucsonaz.gov>; mayor1.CHPO3.CHDOM2.@tucsonaz.gov; michael.henrich@tucsonaz.gov; Michael Wyneken <Michael.Wyneken@tucsonaz.gov>; Peter McLaughlin <Peter.McLaughlin@tucsonaz.gov>; Richard Sarti <Richard.Sarti@tucsonaz.gov>; Steve Shields <Steve.Shields@tucsonaz.gov>; Tom Fisher <Tom.Fisher@tucsonaz.gov>; ward1@tucsonaz.gov; ward2@tucsonaz.gov; ward3@tucsonaz.gov; ward5@tucsonaz.gov; Ward6 <Ward6@tucsonaz.gov>; Zelin Canchola <Zelin.Canchola@tucsonaz.gov>; Brown, Shaun <Shaun.Brown@tusd1.org>; bonnie.carter@us.af.mil; mbends@waknet.org; greg.hitt@wmm.pima.gov
Subject: C9-18-02 Baffert Five Points Rezoning Review

C9-18-02 – Rezoning Memorandum DATE:March 1, 2018

FROM: Michael Wyneken, Rezoning Section

SUBJECT: New Rezoning

CASE: C9-18-02 Baffert Five Points, HC-3 to C-3 and C-3 to HC-3 WARD: 6

PROPOSED USE: Mixed Use with retail space

PLEASE RESPOND BY: **March 15, 2018**

****Please send comments to:** TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov

****Please respond with new e-mail and copy case number and name in subject line.**

The above referenced request is being analyzed for a staff report and recommendation to the Zoning Examiner. Please advise of any considerations involving your jurisdiction including adopted policy, existing capacities, or planned improvements that should be evaluated in relation to this proposal. Relate specific information, such as design criteria, actual traffic counts, water demand impact, sewer capacities, lack of park facilities, etc. Also indicate facilities or services available for the proposed project, and give your opinion as to the adequacy of such services for the proposal.

It is particularly important to have specific data available if services are inadequate and you believe the proposal should be denied. If no response is received from your office, it will be so indicated in the communications to the Zoning Examiner and Mayor and Council. For further information contact Manny Padilla at 837-6022.

See link for Rezoning documents and traffic impact analysis. Click on activity search and type in C9-18-02.
<https://www.tucsonaz.gov/PRO/pdsd/>

Attachments: Preliminary Development Plan and map

This e-mail is being sent to the following agencies:

- ◆ ADOT
- ◆ Arizona State Land Department
- ◆ COUNCIL WARD 1 2 3 4 5 6
- ◆ DAVIS MONTHAN AFB
- ◆ DSD – Zoning Review, Landscape, Information Technology, Sign Code Review, Zoning Administration, Engineering Review
- ◆ ENVIRONMENTAL SVCS
- ◆ MAYOR
- ◆ OFFICE OF CONSERVATION & SUSTAINABLE DEVELOPMENT
- ◆ PARKS & RECREATION
- ◆ PAG-TPD
- ◆ PIMA CO. ASSESSORS
- ◆ PIMA CO. DEVELOPMENT REVIEW
- ◆ PIMA CO. FLOOD PLAIN
- ◆ PIMA CO. PARKS & RECREATION
- ◆ PIMA CO. TRANSPORTATION – Design Engineering
- ◆ PIMA TRAILS ASSOCIATION
- ◆ TDOT – Engineering, RTA, Streets & Maintenance, Transit Services
- ◆ TUCSON ELECTRIC POWER
- ◆ TUCSON FIRE – Fire Headquarters
- ◆ TUCSON POLICE
- ◆ TUCSON WATER
- ◆ Housing and Community Development – Historic, Land Use, Landscape

From: Richard Sarti
To: TucsonRezoning.DSPO2.CHDOM2@tucsonaz.gov
CC: Ronquillo, Therese
Date: 03/14/2018 12:08 PM
Subject: C9-18-02 Baffert Five Points, HC-3 to C-3 and C-3 to HC-3 New Rezoning

Dear Mr. Wyneken:

Tucson Water has no objections to the proposed rezoning of 747 South 6th Avenue. There is existing Tucson Water infrastructure surrounding this project. There is an existing 12" main of varying material (ductile iron, cast iron and PVC) in East 18th Street, a 6" main (ductile iron and cast iron) in South 6th Avenue and a 16" concrete cylinder transmission main in Arizona Avenue.

If you have any questions or comments, or desire further discussion on this matter, please contact me.

Sincerely,

Richard A. Sarti, P.E.

Tucson Water
New Development Section
Engineering Manager
(520) 837-2215



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.

NOTE: Protests and Approvals submitted for the April 12, 2018 Public Hearing are still valid and on file. New submittals are not required.

**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