



**CITY OF
TUCSON**
ZONING
EXAMINER'S
OFFICE

Zoning Examiner Preliminary Report

July 19, 2018

Daniel Bursuck
City of Tucson Planning and Development Services Department
201 North Stone Avenue
Tucson, AZ 85701

SUBJECT: C9-18-13 Grant Road Investment District, an Urban Overlay District, R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District (Ward 3)
Public Hearing: July 12, 2018

Dear Mr. Bursuck:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-18-13 Grant Road Investment District, an Urban Overlay District.

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (PDS) 791-5550 or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Daniel Bursuck, on behalf of the City of Tucson, to establish the Grant Road Investment District (GRID), an Urban Overlay District (UOD). The UOD includes parcels north and south of Grant Road, extending from west of West 14th

Avenue, east to North Park Avenue. The application proposes the establishment of an Urban Overlay District, an optional zoning tool, offering regulatory flexibility for those projects that meet certain requirements of this segment of the *Grant Road Community Character & Vitality Corridor Vision: Oracle Road to Swan Road. Plan Tucson (PT), Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan (JPNP) and University Area Plan (UAP)* provide policy direction for the rezoning site. The proposed rezoning is consistent with *PT, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, JPNP and UAP*.

BACKGROUND FACTS

Grant Road is an existing High-Capacity Transit route and a future Bus Rapid Transit route. One of the goals of the *Grant Road Community Character & Vitality Corridor Vision* is to promote transit-oriented development and multi-modal transportation options. Transit related development refers to a mixed-use residential and commercial area designed to maximize access to public transportation and to have features that encourage transit ridership.

The GRID zoning option allows a property owner to choose to develop with additional uses and flexible development requirements in exchange for transit-oriented design of buildings and sites. An owner choosing the GRID zoning option cannot revert to the underlying zoning standards without applying for a modification of zoning requirements or pursuing a separate rezoning. The GRID does not preclude a property owner from pursuing a rezoning for their property.

The GRID overlays an area in which significant public investment has already been made in transit, utility and other infrastructure improvements. The area encompasses Phases 1 and 2 of the Grant Road Improvement Project, which is part of the Regional Transportation Authority plan. The Grant Road Improvement Project affected a majority of the parcels along or near the public right-of-way. In general, due to the time period when Grant Road was originally constructed and the then prevailing building setbacks, the widening of Grant Road affected nearly all parcels through lost frontage or change of access. One purpose served by the GRID UOD is to provide the option to afford flexibility for development for parcels affected by the Grant Road widening and to avoid piecemeal rezonings or variances.

The purpose of the GRID is to:

- Balance residential, commercial and industrial uses along the Grant Road corridor to meet economic revitalization and community character goals for Grant Road;
- Guide future development while protecting and improving existing neighborhoods;
- Recognize distinct neighborhoods along Grant Road from Oracle Road to First Avenue;

- Protect historic architectural styles along Grant Road and ensure development is compatible with adjacent residential areas;
- Guide new development in harmony with community-wide planning objectives;
- Recognize that office, commercial and high-density residential development are located primarily along major streets; and,
- Identify locations appropriate for new development.

Historic Preservation – The areas surrounding the GRID may be eligible to seek historic status in the future. Therefore, many of the protections for historic districts have been included in the GRID. The GRID discourages demolition of historic properties and encourages historic preservation by offering additional uses compatible with restoration of historic properties and/or incorporation of historic buildings into redevelopment proposals.

The Tucson-Pima County Historical Commission Plans Review Subcommittee reviews all projects that are proposing alterations or additions to an existing eligible or contributing historic structure using the GRID zoning option. Such projects must meet the Secretary of Interior’s historic preservation standards and cannot cause the delisting of a property, or render a property ineligible for listing. The Plans Review Subcommittee also reviews new development that is adjacent to a structure listed or eligible to be listed in the National or Arizona Register of Historic Places, individually or as a contributing property, as well as properties designated as City Landmarks.

Project Review – The GRID establishes the GRID Design Review Board (GRID DRB), which is composed of the existing members of the City of Tucson DRB and adds the City Design Professional, and one member representing all neighborhood associations within the GRID. The GRID DRB may include one or more ad-hoc members, such as a member of the neighborhood association in which the project is located, or if there is no neighborhood association in area of the project, an ad-hoc member can be appointed by a neighborhood association within 300 feet of the site.

The GRID DRB reviews all projects using the GRID zoning option to ensure compliance with the GRID standards and requirements. Applicants must meet with the Design Professional prior to the full GRID DRB meeting. The Design Professional then provides a written report to the applicant, GRID DRB and the PDS Director. Projects proposing group dwellings are approved through the Mayor and Council Special Exception Procedure.

The GRID DRB and the Design Professional’s recommendations are advisory to the PDS Director, who shall make the final decision. Appeals of the PDS Director’s decision are heard by the Board of Adjustment. Prior to the issuance of a building permit for development under the GRID zoning option, the Design Professional is required to review the development package and the building plans to ensure

compliance with the approved GRID plan. Amendments or revisions to an approved GRID plan are subject to the same procedure as the original approval.

Urban Design Best Practices – To accommodate creative solutions to design and development issues, the PDSD Director may approve alternatives to the development regulations as determined by the Director to be consistent with “urban design best practices.” For the purposes of the GRID, urban design best practices include: design studies approved for the City of Tucson; adopted urban design standards for a downtown area or a similar corridor redevelopment in a city of comparable size; books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects or the American Planning Association, addressing downtown or corridor redevelopment; or any comparable report, study or standard recommended by the City Design Professional and approved by the PDSD Director.

GRID Design Standards – The GRID establishes design standards for all projects using the GRID zoning option. Every project must demonstrate compliance with the design standards. The Streetscape Design Standards require a pedestrian-orientation through building orientation and design, sidewalk construction and maintenance, provisions for shade, and assurances that developments will not interfere with transit or transit stops, or with pedestrian and bicycle access to the site from the right-of-way (ROW).

Development Transition Standards are established to mitigate excessive visual, noise, odor, vibration intrusion, and other similar health and safety impacts on nearby residential properties. Transition Standards address mitigation of taller structures, building bulk reduction and mitigation of service areas, such as loading zones. Mitigation of parking area impacts is also addressed.

Land uses are also regulated by the GRID. Uses are limited to those that are permitted in the underlying zone and are included in the Permitted/Allowed Land Use Types under the GRID Zoning Option table. Other than Automotive Service and Repair uses, which are prohibited, uses permitted in the underlying zone, and not listed in the Table, may be allowed, provided the PDSD Director finds the use to be compatible with the GRID Purpose Statement A-3.

The GRID provides additional standards for screening, landscaping, on-site storm water management, lighting and hardscape materials. A special provision is made for Environmentally Conscious Design Practices. Each project must include at least three (3) practices from a menu of 14 items. Such separate practices include extra shade for parking areas, pedestrian areas, or short-term bicycle parking areas, direct access connections from a transit stop, LED lighting of less than 3600 kelvin, 100% desert-adapted plant species, solar panels, green roof, low-e glass in buildings, adaptive reuse of existing structures, innovative environmental design practices, and use of reclaimed water for landscaping. Priority is given to adaptive reuse of existing structures, which counts as two practices toward the three required.

Development Standard Modifications – The GRID provides for modification of development standards listed in Article 6 of the Unified Development Code (UDC). With some exceptions, development standards can be modified up to 25% to encourage innovative designs or to accommodate parcels impacted by the Grant Road Improvement Project. Notable exceptions to the modifications are the number accessible parking spaces, number of parking spaces associated with alcoholic beverage or food services uses, bicycle parking requirements and Native Plant Preservation requirements. Off-street loading, solid waste collection, landscaping and screening may be modified provided no safety issues are created. Alternative pedestrian access may be provided, subject to conformance with the accessibility standards of the City’s Building Code.

COMPLIANCE WITH *PLAN TUCSON* AND AREA AND NEIGHBORHOOD PLANS

Plan Tucson (PT) – The area of the proposed GRID on Grant Road from west of Oracle Road to east of Stone Avenue is identified on the *PT* Future Growth Scenario Map as a Mixed-Use Center. Mixed-Use Centers combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycles, and walking will get priority in these areas, though cars will still play an important role. The area of the proposed GRID in the vicinity of the Grant Road and 1st Avenue intersection is classified as a Mixed-Use Corridor on the *PT* Future Growth Scenario Map. Mixed-Use Corridors provide a higher-intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities.

Other areas within the GRID are identified in *PT* as Existing Neighborhoods. Policy supports environmentally sensitive design that protects the integrity of Existing Neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *PT* policy supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions, and adhere to relevant site and architectural design guidelines. *PT* policy protects established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Unit 6 Neighborhood Plan – The primary objective of the *Unit 6 Neighborhood Plan* is to stabilize the balance of residential, commercial, and industrial uses and remove some of the circulation conflicts experienced by area residents. Plan policy states that any zoning change should allow maximum adjacent resident participation and safeguards to ensure a project remains compatible with neighboring residential development.

Cragin-Keeling Area Plan – The *Cragin-Keeling Area Plan* is intended to guide future development while protecting and improving existing neighborhoods, and encourage office and commercial development at appropriate locations within the Plan area. Land uses along the street frontages of Stone Avenue and First Avenue in the area of the proposed GRID are predominantly office and commercial.

Jefferson Park Neighborhood Plan (JPNP) – The *JPNP* identifies the southeast corner of Euclid and Grant as a commercial destination. The *JPNP* calls for edge treatment within the existing right-of-way along Euclid and Grant that better protects properties from the impact of traffic and to ensure commercial uses do not displace existing residential uses.

University Area Plan (UAP) – The *UAP* supports new development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents. Development should demonstrate sensitivity to surrounding uses in the design, location, orientation, landscaping, screening, and transportation planning of new development, as outlined in the General Design Guidelines. The *UAP* identifies the Grant Road corridor, from Stone Avenue to 4th Avenue as Industrial Area 1 and the appropriateness of office/commercial uses. Policies also support the consideration of the conversion of residential uses on arterial streets to commercial uses under the guidance of the General Design Guidelines and through the analysis of the characteristics outlined in Office/Commercial Development Policy 3, in conformance with the following criteria: adjacent uses and zoning are commercial; sufficient lot depth exists to provide adequate buffering, landscaping, and on-site circulation and parking in compliance with City of Tucson standards; and vehicular access is provided to an arterial or collector street and vehicular traffic is directed away from the interior of residential areas.

The proposed GRID is supported by the policies and goals of *Plan Tucson, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan*, and the *University Area Plan*. No plan amendments are required.

ZONING EXAMINER HEARING JULY 12, 2018

In addition to the Applicant, two persons spoke at the July 12, 2018 Public Hearing, one in favor of the GRID and one opposed. The person opposed to the GRID also submitted written comments. There were numerous public meetings on the GRID, beginning in 2015, and in connection with those meetings, PDSO circulated drafts of the proposed GRID ordinance, received comments on the drafts and responded to those comments. The comments presented at the July 12, 2018 Public Hearing were previously addressed by PDSO, in prior correspondence and postings on the PDSO website, and they are in the record.

Two written approvals and two protests were received as of the July 12, 2018 Public Hearing. Both protests were based on mistaken beliefs concerning the boundary of the

GRID. In one case, the person filing the protest believed that a portion of his property was not included but should be; in fact the property is included in the GRID. In the other case, the person filing the protest believed that his property was within the GRID, but in fact it is not.

After the July 12, 2018 Public Hearing, the Zoning Examiner sent follow-up questions to the Applicant pursuant to UDC 2.2.4.D.1. That request and the Applicant's response are attached to this Preliminary Report.

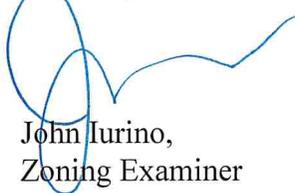
CONCLUSION

The GRID offers regulatory flexibility for projects that meet certain requirements of this segment of the *Grant Road Community Character & Vitality Corridor Vision: Oracle Road to Swan Road*. The proposal is in compliance with and supported by *Plan Tucson, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan* and the *University Area Plan*. Approval of the Grant Road Investment District Urban Overlay District is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the Grant Road Investment District, an Urban Overlay District.

Sincerely,



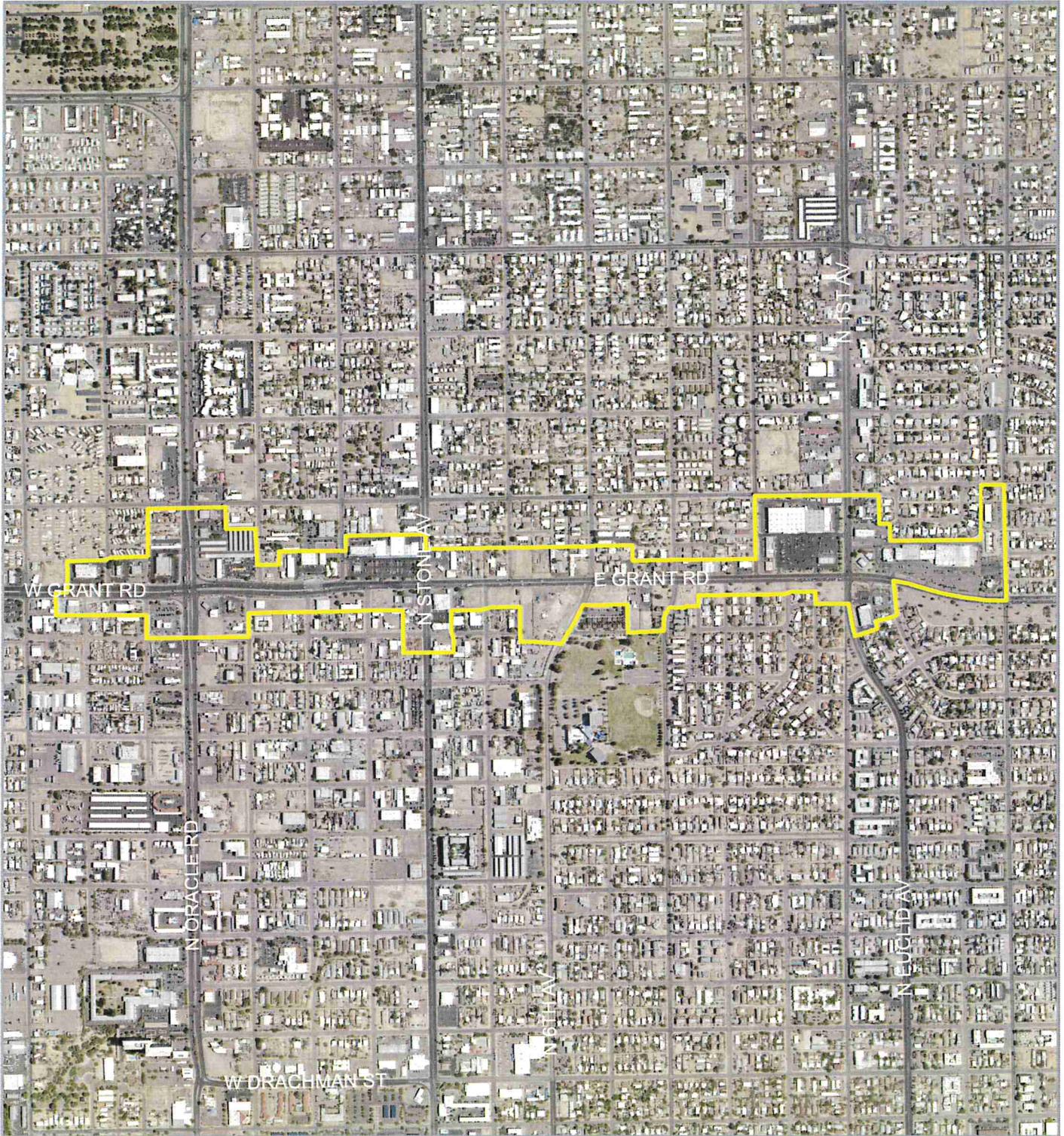
John Iurino,
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Memo to Mr. Bursuck
Response from Mr. Bursuck

cc: City of Tucson Mayor and Council

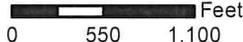
C9-18-13 Grant Road Investment District Rezoning Request: Urban Overlay District



 Area of Optional Zoning Overlay

Address: Grant Rd. between 15th Ave. and Park Ave.
Ward: 3



 Feet
0 550 1,100
1 inch = 1,100 feet





MEMORANDUM

DATE: July 16, 2018

TO: Scott Clark, Interim Director
Planning & Development Services

FROM: John Iurino
Zoning Examiner

Daniel Bursuck, Lead Planner
Planning & Development Services

SUBJECT: C9-18-13 Grant Road Investment District, July 12, 2018 Zoning Examiner Hearing

Pursuant to UDC 2.2.4.D.1, the Zoning Examiner requests the following additional information, and clarification of information, presented at the July 12, 2018 public hearing:

1. The information presented at the public hearing indicated that one reason in support of adopting the Grant Road Investment District Overlay Zone is to afford relief to parcels that were impacted by the Grant Road widening project, which left some parcels too small, or with irregular shapes, to develop or redevelop under existing zoning. How many parcels were affected in this manner and how many other parcels are included in the proposed Grant Road Investment District overlay zone that were not affected in this manner?

2. For properties that choose to following the GRID option, but that do not require a rezoning, the proposed overlay zone provides for a plan review procedure under which the PDSD Director makes final decisions, subject to review by the Board of Adjustment (if the Minor Review Process applies) or the Mayor and Council (if the Major Review Process applies). Proposed GRID Ordinance B-2.b.1- B-2.b.15. If a property does not opt into the GRID process, what review and approval procedures are followed and how do they differ from the procedures set forth in the proposed GRID?

3. Under UDC 5.13.2, "[a]n Urban Overlay District is initiated by the Mayor and Council." Under UDC 3.5.3.D.2, "[a] rezoning may be initiated by the property owner or the owner's agent upon submittal of a written application to amend the zoning on the property. A rezoning may also be initiated by a majority vote of the Mayor and Council." Are these provisions applicable in this case, and if so, have they been followed?

The Zoning Examiner's Preliminary Report is due on July 19, 2018 and a prompt response would be greatly appreciated. This request and any response will be included as part of the record as provided by UDC 2.2.4.D.



MEMORANDUM

DATE: July 17, 2018

TO: John Iurino
Zoning Examiner

FROM: 
Daniel Bursuck, Lead Planner
Planning and Development Services

SUBJECT: Response to Follow-up Questions from Zoning Examiner Regarding C9-18-13 Grant Road Investment District Urban Overlay District

Following are PDS staff responses to the follow-up questions submitted by the Zoning Examiner on July 16, 2018 regarding the July 12, 2018 Public Hearing on C9-18-13 Grant Road Investment District (GRID) Urban Overlay District (UOD).

1. During Phases 1 and 2 of the Grant Road widening project, a majority of the parcels along or near the public right-of-way were affected to varying degrees. There are typically three levels of property acquisition that occur during a roadway construction project such as Grant Road: (1) full property acquisition and full demolition of the existing structure, (2) full property acquisition with partial demolition of the existing structure, and (3) partial property acquisition with no demolition. In general, due to the time period when Grant Road was originally constructed and the then prevailing building setbacks, the widening of Grant Road has affected nearly all parcels to some extent through lost frontage or change of access. An exception to that would be affected parcels that do not front Grant Road or one of the major roads with which Grant Road intersects. Of the 157 parcels included in the GRID UOD, 21 did not have frontage along Grant Road. However, many of those 21 had the same ownership as parcels fronting Grant Road and, therefore, were also affected.

While staff did initial assessments of properties that could benefit from the flexibility provided by a UOD, we won't fully know how the UOD may be utilized to address impacts of the Grant Road widening until development packages are submitted with specific proposals. Ultimately, the goal of the GRID UOD is to provide an option to piecemeal rezonings or variances for successful development of parcels affected by the Grant Road widening.

2. Property owners who do not opt into the GRID process may develop their property utilizing the underlying zoning. This would require the normal development package review per Section 2 of the PDS Administrative Manual, but would not be subject to the design review and or the PDS director approval that the GRID process requires.
3. Yes, both the UDC Sections 5.13.2 and 3.5.3.D.2 have been followed in the initiation of the GRID UOD. On May 5, 2015, the City of Tucson Mayor and Council initiated the UOD process when they voted 7-0 to approve a two step-approach to move land use planning forward for the Grant Road Corridor. This approach included: (1) adopting a Corridor Vision based on input from

the Task Force and the public, and (2) achieving the Corridor Vision through development and implementation of land use planning tools, including an urban overlay district phased with the roadway design.

Thank you and please let us know if you have any additional follow-up questions regarding this case.