



MEMORANDUM

DATE: July 3, 2019
For July 18, 2019 Hearing

TO: Zoning Examiner

FROM: 
Scott Clark, Interim Director
Planning & Development Services

SUBJECT: REZONING PLANNING & DEVELOPMENT SERVICES REPORT
C9-19-05-Forgeus Parking – Forgeus Avenue and Spring Street
R-2 and C-2 to P (Ward 3)

Issue – This is a request by Robin Large of Lazarus, Silvyn and Bangs, PC, on behalf of the property owners, Stuart Warren of CDBC Tucson, LLC, to rezone approximately 0.28 acres from R-2 to P zoning. The rezoning site is located on the southwest corner of East Spring Street and North Forgeus Avenue (see Case Location Map). The preliminary development plan proposes to reconfigure the existing parking lot of Culinary Dropout and develop an additional 26 parking spaces to support the restaurant. The additional spaces will largely serve as overflow, employee and valet parking. The proposed parking lot will be accessed directly by the existing parking lot, as well as through the private alley access off of N. Forgeus Avenue.

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

Background Information

Existing Land Use: Vacant (recently demolished single-family residence)

Zoning Descriptions:

R-2 – Residence Zone – This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

C-2 – Commercial Zone – 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.

P – Parking Zone – This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. Select other uses, such as renewable energy generation and

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urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-2; single and multi-family residences
South: Zoned C-2; commercial use – Plumbing Suppliers
East: Zoned R-2; single family residences
West: Zoned C-2; parking for Culinary Dropout

Related Cases:

C9-17-13 Spieth – Vine Avenue, R-2 to P This was a rezoning request for 0.15 acres located on the southeast corner of Vine Avenue and 16th Street to allow the development of seven (7) space parking lot to provide overflow parking for customers and employees of Roma Imports Market. On September 5, 2018, Mayor and Council voted 6-1 to adopt Ordinance No. 11581.

C9-16-07 Tu Nidito – Mountain, R-2 to P This was a rezoning request for 0.20 acres located at the southeast corner of Mountain Avenue and Duke Drive to allow the development of a new surface parking lot on the east side of the existing Tu Nidito Medical Service buildings. On February 12, 2008, Mayor and Council adopted Ordinance No. 10501, effectuating the rezoning.

Applicant’s Request – “Parking – overflow parking area for adjacent Culinary Dropout restaurant.”

Neighborhood Meeting – The applicant attended a rezoning Presubmittal conference on February 26, 2019. Issues covered included provision of landscaping and other mitigating strategies as appropriate to address the heat island effect and sensitivity to surrounding neighborhood.

On April 29, 2019 the applicant held the required neighborhood meeting, where there were six (6) neighbors in attendance, plus the project team which included the Restaurant Operator, the Planning/Zoning Consultants, and the Project Engineer. Issues discussed included, construction timing, use of lot, the loading zone, pedestrian improvements, and lighting. In the minutes it was requested that a 24” box for landscaping trees be included to help establish the buffer between the parking and the residential neighborhood along East Spring Street.

Planning Considerations – Policy direction is provided by *Plan Tucson (PT)* and *Cragin-Keeling Area Plan (CKAP)*

Plan Tucson (PT): The proposed development is consistent with the applicable Land Use, Transportation, and Urban Design Policies of *PT*, and the supporting guidelines for Development Review. This site is within the Mixed-Use Corridor Building Block as identified on the Future Growth Scenario Map of *PT*. Mixed Use corridors provide a higher-intensity mix of jobs, services and housing along major streets.

Cragin-Keeling Area Plan (CKAP): The overall purpose of the *CKAP* is to guide future development while protecting and improving existing neighborhoods. The Plan’s “Conceptual Land Use Map” for the area in which the subject property is located calls out “residential” as the proposed future use for the subject property. However, the Plan includes a statement under “Non-Residential” that says “The Conceptual Land Use Map provides guidance for potential future land uses in the area, but should not be used to determine the exact boundaries between different land uses.” Further, the goal for “Non-Residential” uses says, “Encourage new non-residential development and redevelopment that is cohesive and integrated with adjacent non-residential uses while preserving and enhancing the existing residential character of the area.” An applicable policy under this goal says “Consider the expansion of remaining commercial areas into adjoining residential areas when logical boundaries such as existing alleys can be established, and the abutting residential can be appropriately buffered.”

The proposed rezoning site consists of a single vacant 0.15-acre parcel, which is mostly square in shape (approximately 95 feet by 110 feet). To the north across East Spring Street is a single family residence zoned R-2. To the east across North Forgeus Avenue is a single family residence zoned R-2. To the south across a private alley is a commercial use (Plumbing Supplies), zoned C-2. To the west is the rest of the Culinary Dropout parking lot, zoned C-2.

The parking area is for use by customers and employees of the Culinary Dropout, which is located adjacent to the west of the rezoning site. The parking use will not generate additional traffic within the neighborhood and will provide some relief to on-street vehicle parking in the adjacent neighborhood.

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

Design Considerations

Land Use Compatibility – The rezoning request to P (Parking Zone) is to allow additional vehicle overflow parking for customers and employees of the restaurant Culinary Dropout to improve the existing parking situation and ease on-street parking congestion in the immediate area. The connection between the existing parking lot to the west and the proposed rezone site will form a consistent linear use along Spring Street, which divides the residential uses to the north from the commercial uses to the south and is a logical boundary. This PDP also incorporates moving the dumpster from the current location which is accessed off of Spring Street, to an internal private access on the south side of the parcel, providing separation from the adjacent residential neighborhood. The loading zone is located in the C-2 zone district.

Drainage/Grading/Vegetation – A 10-foot-wide landscaped border adjacent to both Spring Street and Forgeus Avenue will comply with all UDC requirements for landscaping and screening. Based on input from the neighborhood meeting staff is adding the condition that the landscape border

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along the north boundary of the parcel will be required to include 24” box trees to help encourage mature growth of the landscape border along East Spring Street.

Road Improvements/Vehicular Access/Circulation – The PDP shows that the proposed parking area will be primarily accessed from the existing Culinary Dropout on Grant Road. There will also be ingress/egress onto Forgeus Avenue from the existing private alleyway to the south of site.

Conclusion – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and *Cragin-Keeling Area Plan*. A plan amendment is not required. The proposed rezoning for a parking lot for customers and employees of the Culinary Dropout Restaurant will help reduce the number of vehicles parking along the nearby local streets. Subject to compliance with the attached preliminary conditions, approval of the requested P (parking) zoning is appropriate.

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C9-19-05 Forgeus Parking – R-2 and C-2 to P (Ward 3)
Preliminary Conditions

PROCEDURAL

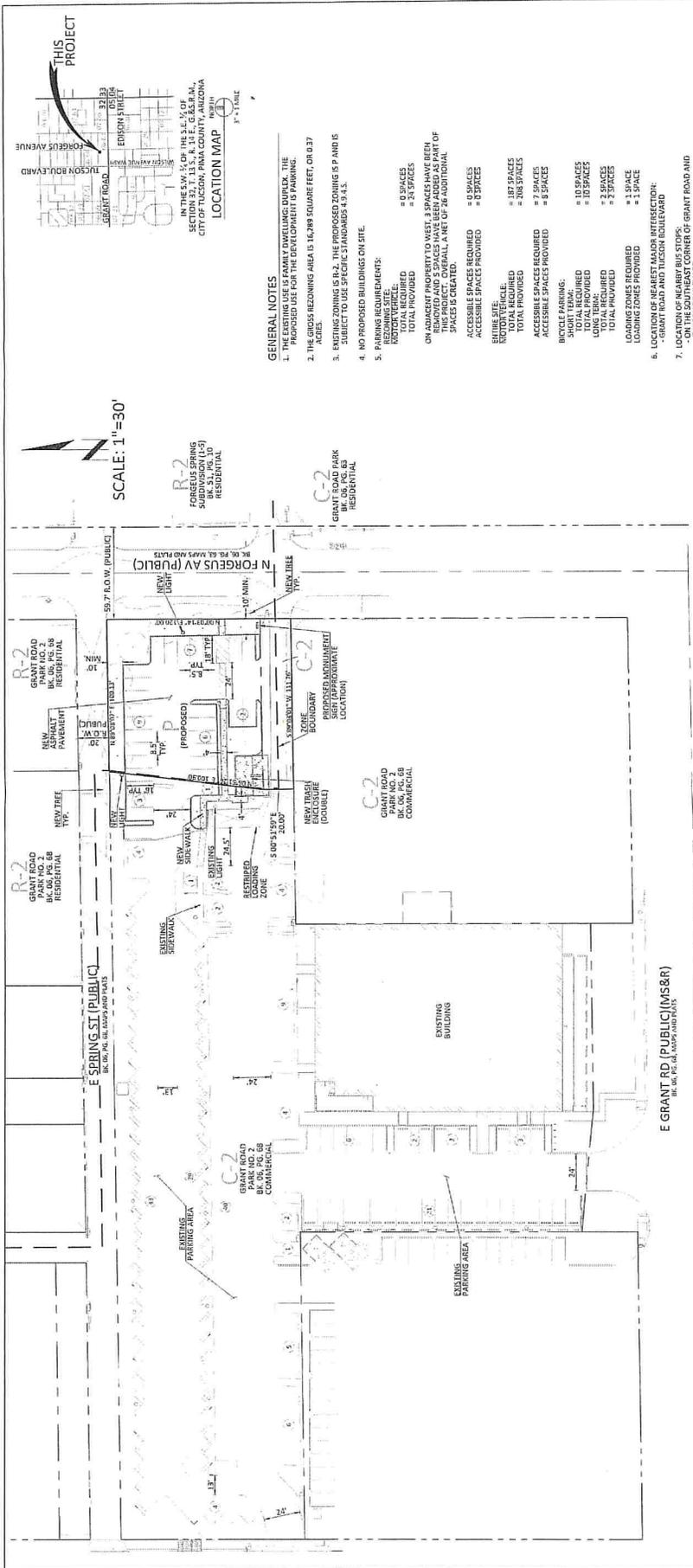
1. A development package in substantial compliance with the preliminary development plan, both dated May 23, 2019, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Graffiti shall be removed within seventy-two (72) hours of discovery.

DRAINAGE/VEGETATION/BUFFERS

8. Landscaping along the northern boundary of the rezoning site (Parking Zone) adjacent and to East Spring Street to include 24-inch box trees.



LEGEND

PROJECT BOUNDARY	EXISTING MAIL BOX
RIGHT-OF-WAY	EXISTING SIGN
OTHER PARCEL LINE	EXISTING STREET LIGHT
ROADWAY CENTERLINE	EXISTING FIRE HYDRANT
EXISTING PAVEMENT EDGE	EXISTING POWER POLE
EXISTING CURB	NEW SITE LIGHT
EXISTING CONCRETE	PARKING SPACE COUNT, SUBJECT PROPERTY
EXISTING FENCE	PARKING SPACE COUNT, ADJACENT PARCEL
EXISTING CONTOUR	ZONING DIVISION
NEW CURB	RIGHT-OF-WAY
NEW PAINT STRIPE	R.O.W.
NEW ASPHALT	NEW ASPHALT
NEW CONCRETE	NEW CONCRETE

**Rezoning
Preliminary Development Plan
C9-19-05 Date 5.23.19
(REVISED)
Planning & Development Services**

CYPRESS CIVIL DEVELOPMENT
2020 east speedway boulevard
Tucson, Arizona 85719
PH: (520) 423-8018
www.cypresscivil.com

OWNER/DEVELOPER
COMMON BOND DEVELOPMENT GROUP
4455 EAST CANTON TUCSON, AZ 85718
ATTN: MR. BRIAN FRALES
PH: (520) 423-8018
www.commonbond.com

SITE ADDRESS
2427 NORTH FORGEUS AVENUE
TUCSON, ARIZONA 85718

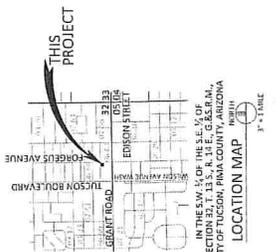
PROJECT INFORMATION
PROJECT NO. 19-05
DATE: 5/23/19

LOCATION: IN THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 37, T. 13 S., R. 18 E., G. 8 S. 1/4 M., CITY OF TUCSON, PIMA COUNTY, ARIZONA

PRELIMINARY DEVELOPMENT PLAN for FORGEUS PARKING

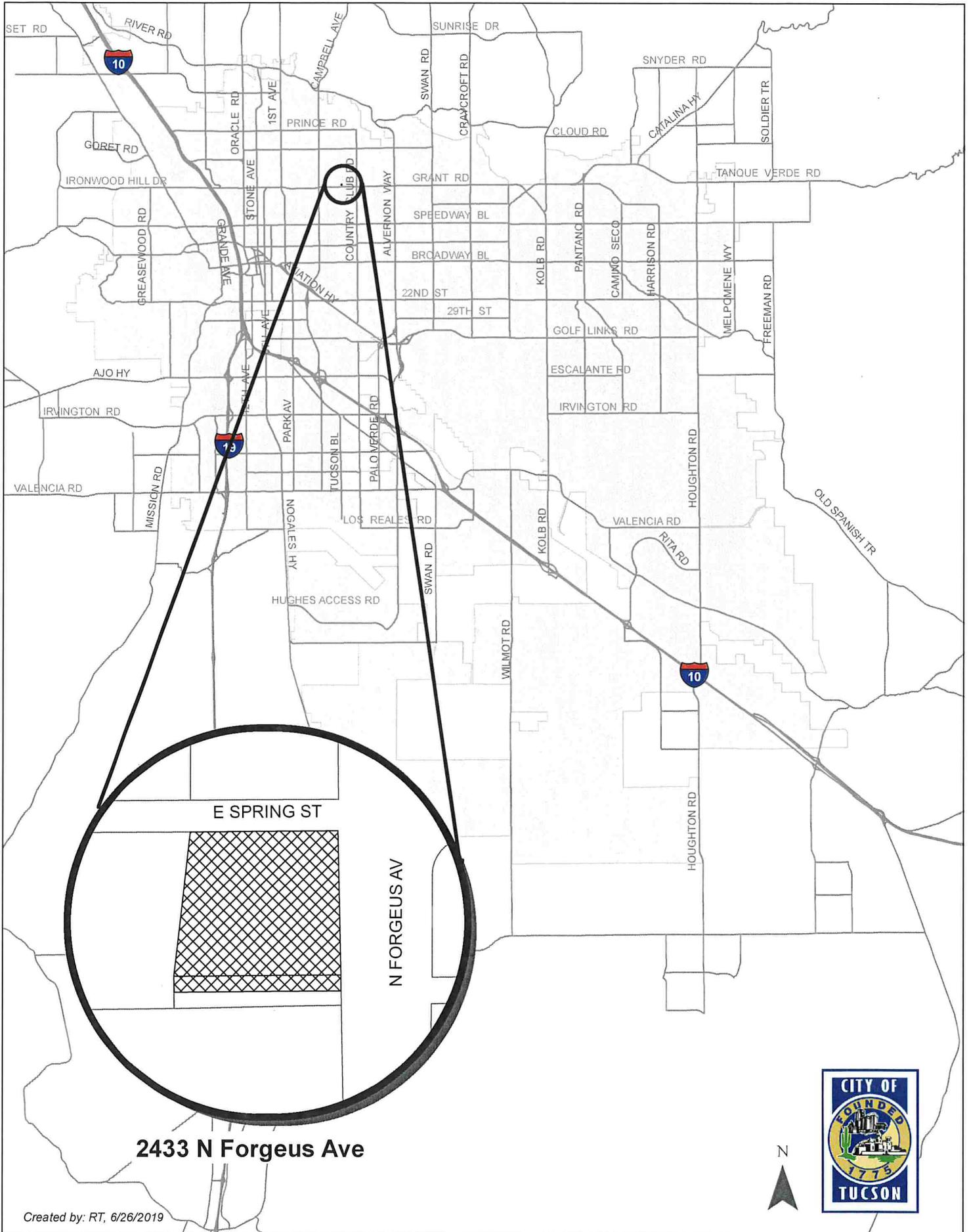
REF: DP15-0190, MP 06063 & MP 06068

- GENERAL NOTES**
- THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF TUCSON ZONING ORDINANCE AND THE PROPOSED USE FOR THE DEVELOPMENT IS PARKING.
 - THE GRIDS BEHINDING AREA IS 16,289 SQUARE FEET, OR 0.37 ACRES.
 - EXISTING ZONING IS R-2. THE PROPOSED ZONING IS P AND IS SUBJECT TO USE SPECIFIC STANDARDS 4.9.4.5.
 - NO PROPOSED BUILDINGS ON SITE.
 - PARKING REQUIREMENTS:
REASONING SITE:
TOTAL REQUIRED = 0 SPACES
TOTAL PROVIDED = 31 SPACES
 - ON ADJACENT PROPERTY TO WEST, 3 SPACES HAVE BEEN PROVIDED FOR THE DEVELOPMENT. THE REMAINING 28 SPACES ARE TO BE PROVIDED AS PART OF THIS PROJECT. OVERALL A NET OF 26 ADDITIONAL SPACES IS CREATED.
ACCESSIBLE SPACES REQUIRED = 0 SPACES
ACCESSIBLE SPACES PROVIDED = 0 SPACES
 - ENTIRE SITE REQUIRED:
TOTAL REQUIRED = 187 SPACES
TOTAL PROVIDED = 208 SPACES
 - ACCESSIBLE SPACES REQUIRED = 7 SPACES
ACCESSIBLE SPACES PROVIDED = 8 SPACES
 - MOBILE PARKING:
TOTAL REQUIRED = 10 SPACES
TOTAL PROVIDED = 10 SPACES
LONG TERM: = 2 SPACES
TOTAL REQUIRED = 2 SPACES
TOTAL PROVIDED = 2 SPACES
 - LOADING ZONES REQUIRED = 1 SPACE
LOADING ZONES PROVIDED = 1 SPACE
 - LOCATION OF NEAREST MAJOR INTERSECTION:
- GRANT ROAD AND TUCSON BOULEVARD
 - LOCATION OF NEAREST BUS STOPS:
- ON THE SOUTHEAST CORNER OF GRANT ROAD AND TUCSON BOULEVARD.
 - THE PLAN SHOWS THE PUBLIC IMPROVEMENTS THAT WILL AFFECT THIS PROJECT.
 - TRAFFIC COUNTS FOR NEARBY MAJOR STREETS ARE AS FOLLOWS PER PAC DATA:
- TUCSON BOULEVARD @ GRANT ROAD
- U.S. 89 @ PARK 2.537 PM PEAK (2010)
 - THE TOTAL VEHICULAR USE AREA IS 7,200 SF.



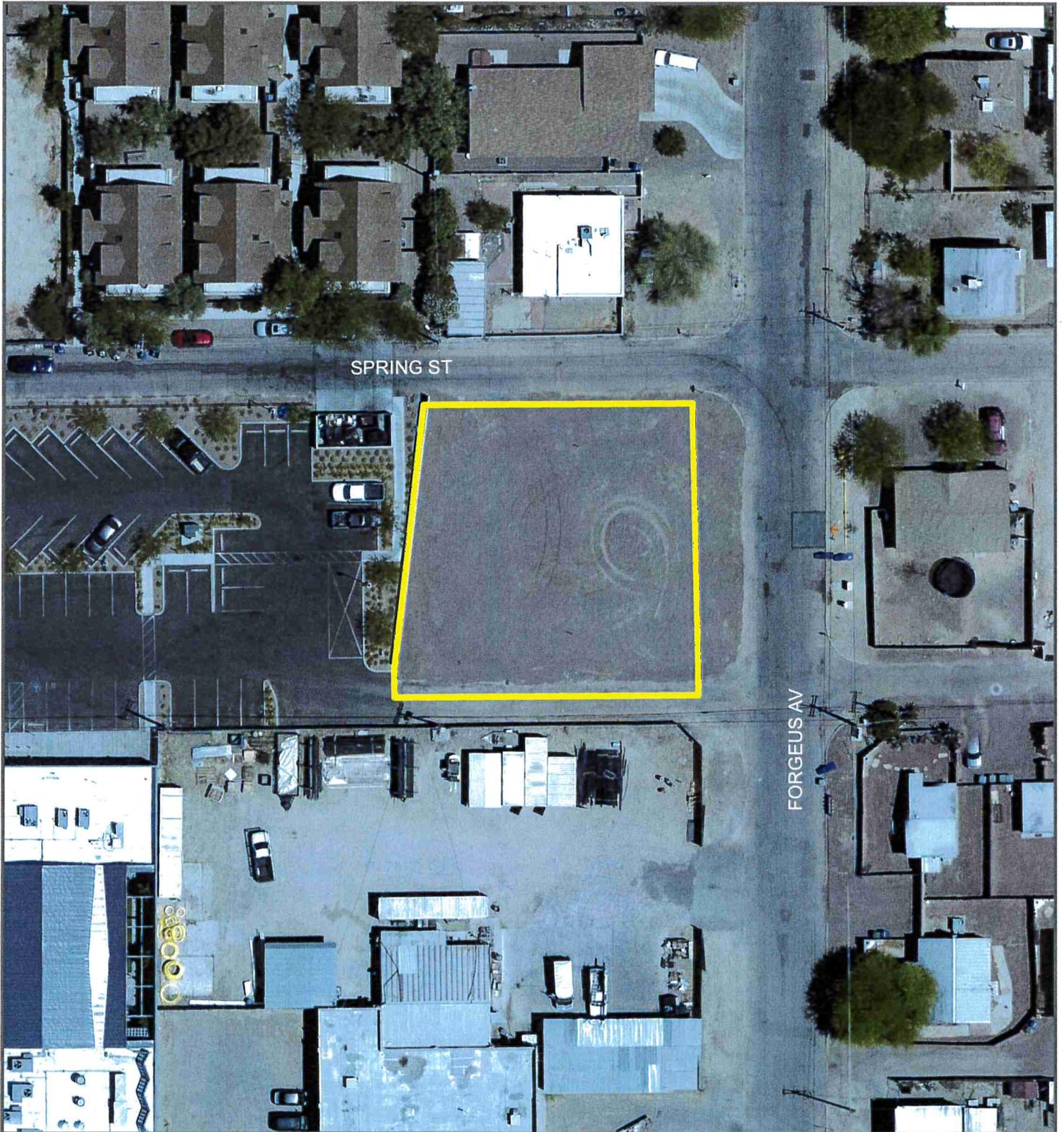
SCALE: 1" = 30'

C9-19-05 Forgeus Parking
Rezoning Request: From R-2/C-2 to P



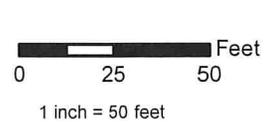
2433 N Forgeus Ave

C9-19-05 Forgeus Parking
Rezoning Request: From R-2/C-2 to P

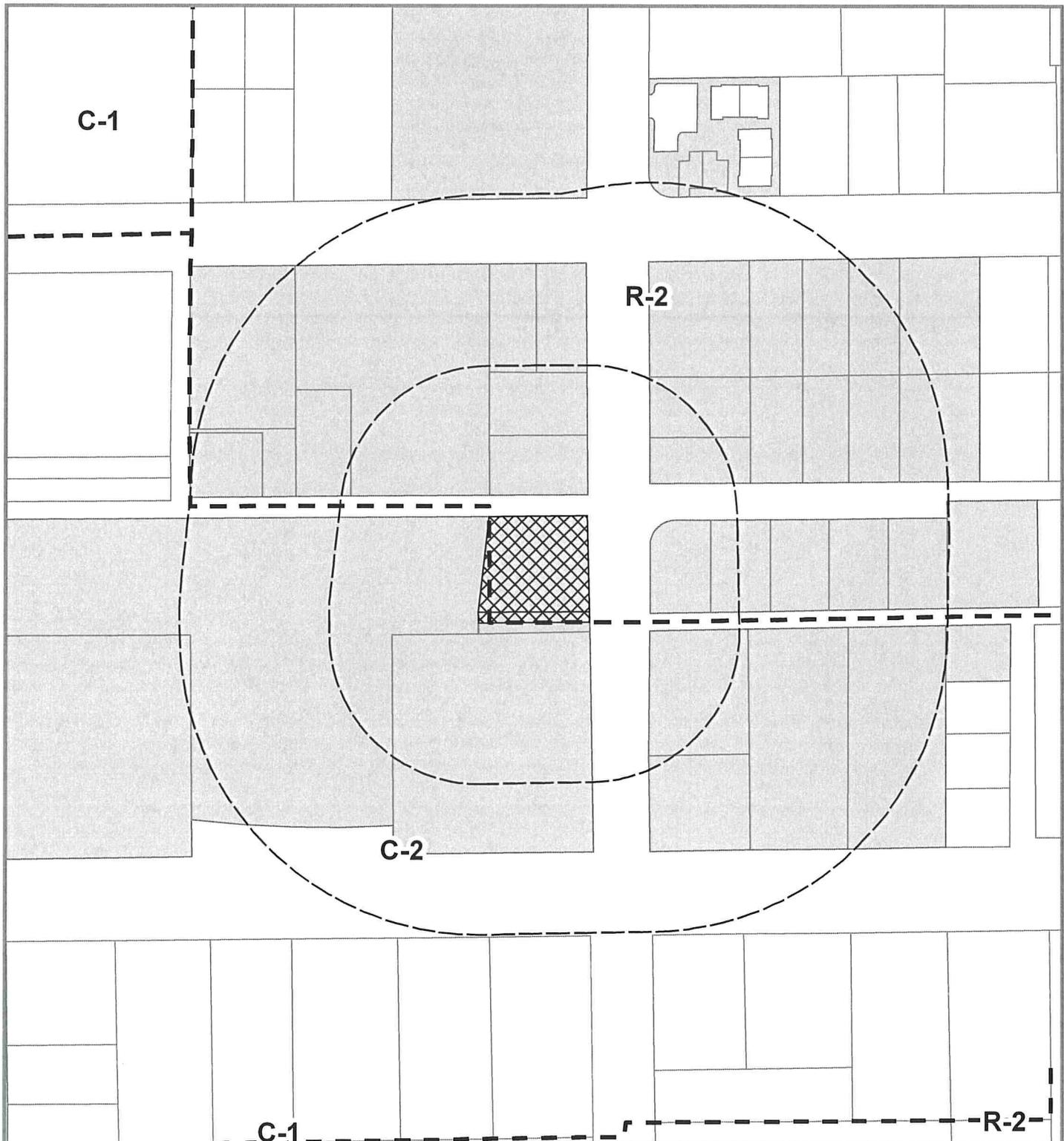


Area of Rezoning - R2/C2 to P

Address: 2433 N Forgeus Ave
Base Maps: Twp.13S Range14E Sec. 32
Ward: 3

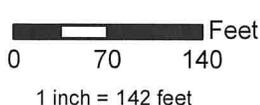


C9-19-05 Forgeus Parking
Rezoning Request: From R-2/C-2 (P



-  Area of Rezoning
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 2433 N Forgeus Ave
Base Maps: Twp. 13S Range 14E Sec. 32
Ward: 3



Place
Stamp
Here

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

C9-19-05

Expose this flap - Affix stamp and return



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

C9-19-05
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED