



MEMORANDUM

DATE: August 21, 2019
For September 5, 2019 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark, Director
Planning & Development Services

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-19-11-Cherry Lofts LLC / Cherry – Kino
I-1 to C-1 (Ward 5)

Issue – This is a request by Brian Underwood with The Planning Center, on behalf of the property owners, Chris Kemmerly, Marcel Dabdoub, Nichlas Isaacson/Cherry Lofts LLC, to rezone approximately 2.4 acres from I-1 to C-1 zoning. The rezoning site is located on the southeast corner of South Cherry Avenue and East 15th Street (see Case Location Map). The preliminary development plan proposes 54 loft-style multifamily units and an approximately 2,400 square foot commercial/office building.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Commercial/industrial use with outdoor storage

Zoning Descriptions:

Light Industrial Zone (I-1) – This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Commercial Zone (C-1) – This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-2; 15th Street and the Arroyo Chico Greenway shared-path

South: Zoned I-1; Wholesale restaurant supply (Standard Restaurant Supply)
East: Zoned I-1; East 15th Street and the channelized Railroad Wash
West: Zoned P-I; University of Arizona Motor Pool

Previous Cases on the Property: none

Related Cases:

C9-02-25 Deep Freeze Development – 17th Street, I-1 to C-3 This was a rezoning request for 2.6 acres located 0.4 miles south west of the subject rezoning on the east side of Mill street, between Seventeenth Street and the railroad tracks to allow the development of 45 loft residences and 7,222 square feet of commercial uses in 61,400 square feet of new and existing rehabilitated buildings. December 15, 2003 Mayor and Council adopted Ordinance No. 9920 and on March 16, 2004, a building permit was issued, effectuating the requested zoning.

Applicant’s Request – “Mixed Use: A commercial building will be constructed on the corner of 15th Street and Cherry Avenue as an opportunity for the residential development to have a possible venue for work and play. The remainder of the site will be developed with one-, two- and three-bedroom lofts with an industrial-style exterior façade to complement existing development in the industrially zoned land surrounding the project.”

Planning Considerations – Land use policy direction for this area is provided by the *Arroyo Chico Area Plan (ACAP)* and *Plan Tucson*. The rezoning site is located within a Business Center building block as identified on the Future Growth Scenario Map of *Plan Tucson*. Business Centers are major commercial or employment districts that act as major drivers of Tucson’s economy. Within the Business Center building block, *Plan Tucson* calls for neighborhood scale activity nodes that are designed to provide direct pedestrian and bicycle connections to the neighborhoods they serve including other residential, mixed-use infill and creating an inviting place to live, work, and play. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest.

The *ACAP* purpose is to guide development while protecting and enhancing existing neighborhoods. The Plan was amended specifically for this site via Resolution No. 22959 from Light Industrial or Commercial to Light Industrial and/or Commercial and/or Residential. The residential policies in *ACAP* encourage infill development.

The subject property is an irregular shape with an east-west orientation bounded by South 15th Street to the north and east and South Cherry Avenue along the western boundary. The proposal consists of five parcels that will be combined as one development site. The existing building on the property is approximately 9,000 square feet and is located directly in the center and is expected to be demolished prior to construction. The adjacent zoning to the east is I-1 (Light Industrial Zone), to the west is P-1 (Park Industrial), to the north across 15th street is R-2 (Residence Zone), and to the south is I-1 (Light Industrial).

South Kino Parkway is designated as an Arterial Gateway in the Major Streets & Routes plan. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning request from I-1 (Industrial Zone) to C-1 (Commercial Zone) is intended to take advantage of the site’s proximity to downtown, the University of Arizona, the Arroyo Chico Greenway, the Cherry Ball Fields, the Tucson International Airport, and to provide needed quality workforce housing for the City’s major employers. The proposed rezoning will facilitate a live/work environment featuring 54 two-story loft-style apartments with industrial exteriors with the goal of providing live and work space within each residential unit. A proposed 2,400-square foot commercial building proposed directly north of the lofts is to be occupied by either a single tenant or multiple tenants. It is envisioned that the tenants will be complementary commercial and office users, such as: a coworking office, coffee shop/café, work studios, etc. that promote a live/work/play environment and provide additional services to the surrounding industrial users and residents. This type of mixed use is appropriate and compatible with the surrounding adjacent commercial and residential uses.

Drainage/Grading/Vegetation – The proposed landscape plan will include landscape borders along the streets providing vegetative screening, and will comply with the Unified Development Code. Passive rainwater harvesting will be used to supplement the water requirements of trees and understory plants. An interior landscape border is not required adjacent to industrial uses or the existing drainageway, but screening will be provided along the south boundary to ensure future compatibility between the two uses.

The rezoning site elevation/topography drops at 2.5 percent from the southeast corner to the northwest corner which will allow the site to be drained adequately without significant artificial contouring. There is no intent to modify the existing drainage pattern from the southeast to northwest.

The site is in the watershed of the Arroyo Chico/Tucson Arroyo. The floodplain mitigation project recently completed has removed many downstream properties from the mapped floodplain. To preserve reduced flood potential, retention and detention will be required.

Road Improvements/Vehicular Access/Circulation – The PDP shows the project will have two access points off of South Cherry Avenue, one to the north of the property just south of the proposed commercial building, and one at the very south of the property.

Conclusion – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Arroyo Chico Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 (Commercial Zone) zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package for the building permit, in substantial compliance with the preliminary development package and required reports dated June 24, 2019, is 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. 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.

A copy of the archaeological assessment and survey report must be provided to the Entitlements Section at Planning & Development Services prior to scheduling the item for ordinance adoption.

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.
9. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

Preliminary Conditions

10. The southern wall of the three buildings along the south boundary are to be screened with vegetation and trees to ensure compatibility between future residents and the existing industrial property to the south.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

11. Peak discharges for the 2-, 10, and 100-year storms shall be reduced to the discharge from vacant land in the pre-developed condition.
12. Five-year threshold retention, based on vacant, undeveloped land will be required.

TUCSON AIRPORT AUTHORITY NOTICE

13. 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. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. 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>

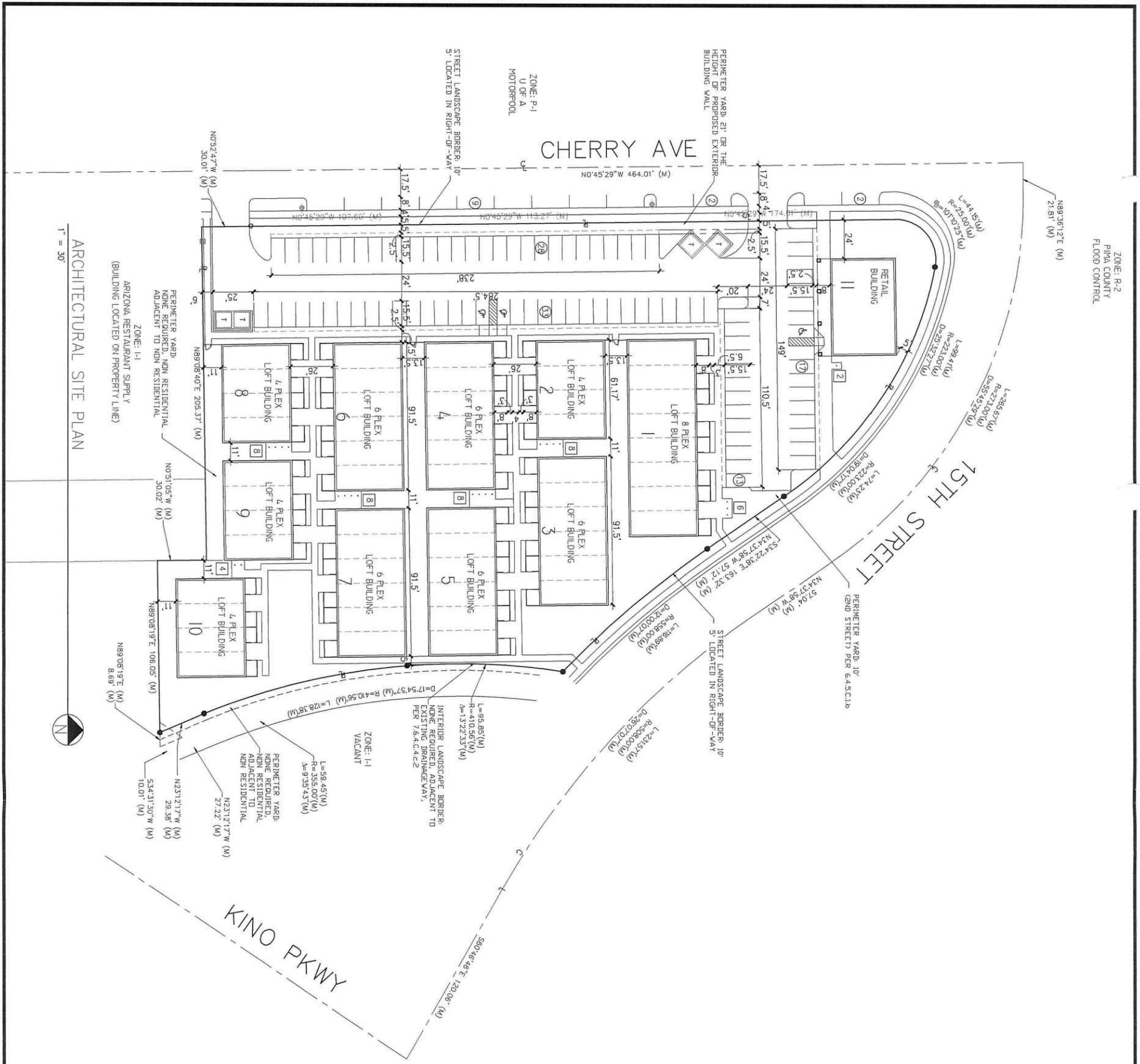
Documentation of compliance with this condition must be provided to the Planning & Development Services Entitlements Division prior to scheduling the case for ordinance adoption.

14. Prior to the City's approval of this rezoning request, the property owner/developer/applicant shall record the TAA approved form 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 Avigation Easement shall be recorded in a manner with the Pima County recorder which shall document it as having title liability. The content of such documents shall be according to the form and instructions provided.

The current property owner/developer/applicant or other person authorized to sign on behalf of the current property owner shall complete, sign, and record the Avigation Easement with the Pima County Recorder's Office. Once the Avigation Easement is recorded send a complete copy of the recorded easement document, which contains all pages which were recorded, to Tucson Airport Authority by either email (send to srobidoux@flytucson.com) or the mailing address provided below.

Scott Robidoux
Senior Airport Planner
Tucson Airport Authority

ZONE: R-2
PIMA COUNTY
FLOOD CONTROL



15TH STREET
PERIMETER YARD 10' (AND STREET) PER 6.45C18

KINO PKWY

CHERRY AVE

ARCHITECTURAL SITE PLAN
1" = 30'



REZONING
Preliminary Development Plan
C9-19-11 Date June 24, 2019
Development Services Department

GENERAL NOTES

EXISTING ZONING: I-1
PROPOSED ZONING: C-1
TOTAL AREA: 2.4 ACRES
UNITS PROPOSED: 54
PROPOSED DENSITY 21.6 UNITS/AC

UDC PARKING CALCULATIONS

7.44 - MIXED OR MULTIPLE USE DEVELOPMENT ALLOWS 10% REDUCTION FOR EACH INDIVIDUAL USE ON SITE. THE REDUCTION IS NOT APPLICABLE TO A FOOD SERVICE (RESTAURANT/COFFEE SHOP) USE.

1. APARTMENTS:

7 - 1 BR @ 1.5/UNIT = 10.5 SPACES
40 - 2 BR @ 2.0/UNIT = 80 SPACES
7 - 3 BR @ 2.25/UNIT = 15.75 SPACES
54 UNITS = 106.25

0.9 X 106.25 = 95.63 OR 96 SPACES REQUIRED

2. RETAIL/FOOD SERVICE - 2,400 S.F.:

1,600 SF RETAIL @ 1/300 SF = 5.33 SPACES
0.9 X 5.33 = 4.8 OR 5 SPACES REQUIRED

800 SF FOOD SERVICE @ 1/100 SF = 8 SPACES

TOTAL REQUIRED ON SITE SPACES: 96 + 5 + 8 = 109 SPACES REQUIRED

PER 7.4.5 E (3) ADDITIONAL BICYCLE PARKING: 30 SPACES = 30 SPACES REQUIRED

ON SITE PROVIDED SPACES: = 91 SPACES, INCLUDING 4 H.C. SPACES

PER I.P.P. 7.45 (3) a, b - PROJECT IS PERMITTED USE AND TYPE

a. # OF PROPOSED SPACES = 87 SPACES + 4 H.C. = 91 SPACES

b. LOCATED ON SITE

c. ON STREET PARKING = 13 SPACES

TOTAL PARKING REQUIRED AND PROVIDED = 104 SPACES

(#) INDICATES #/LOCATION

BICYCLE PARKING REQUIRED

7.48. MIN. # OF REQUIRED SPACES, TABLE 7.4.8-1: EXCEPT NO LONG TERM REQUIRED ON A SITE < 2,500 SF FLOOR AREA (RETAIL).

1. APARTMENTS - 109 BR:

0.5 LONG TERM/BR - ALL INSIDE RESIDENTIAL UNITS

0.10 SHORT TERM/BR - 0.10 X 109 = 11 REQUIRED ON SITE

RETAIL - 2,400 S.F.:

0 LONG TERM REQUIRED

2 SHORT TERM SPACES REQUIRED

+ 30 ADDITIONAL SPACES OF SHORT TERM FOR PARKING REDUCTION

TOTAL REQUIRED SHORT TERM = 2 + 11 + 30 = 43 SPACES

TOTAL PROVIDED SHORT TERM = 43 SPACES

(#) INDICATES #/LOCATION

CHERRY LOFTS
TUCSON ARIZONA

ARCHITECTURAL
SITE PLAN

ACORN ASSOCIATES
ARCHITECTURE, LTD.
5151 E. BROADWAY, SUITE 1050, TUCSON, AZ 85711
520-861-0731 Fax 520-861-0995 E-mail acornarchitecture.com

JOB NO. 19007
ISSUE DATE 12 JUN 2019
REVISIONS

DRAWN BY RR
CHECKED BY KBA

SHEET NO. A0

C9-19-11 - Cherry Lofts LLC - Cherry and Kino
Rezoning Request: From I-1 to C-1

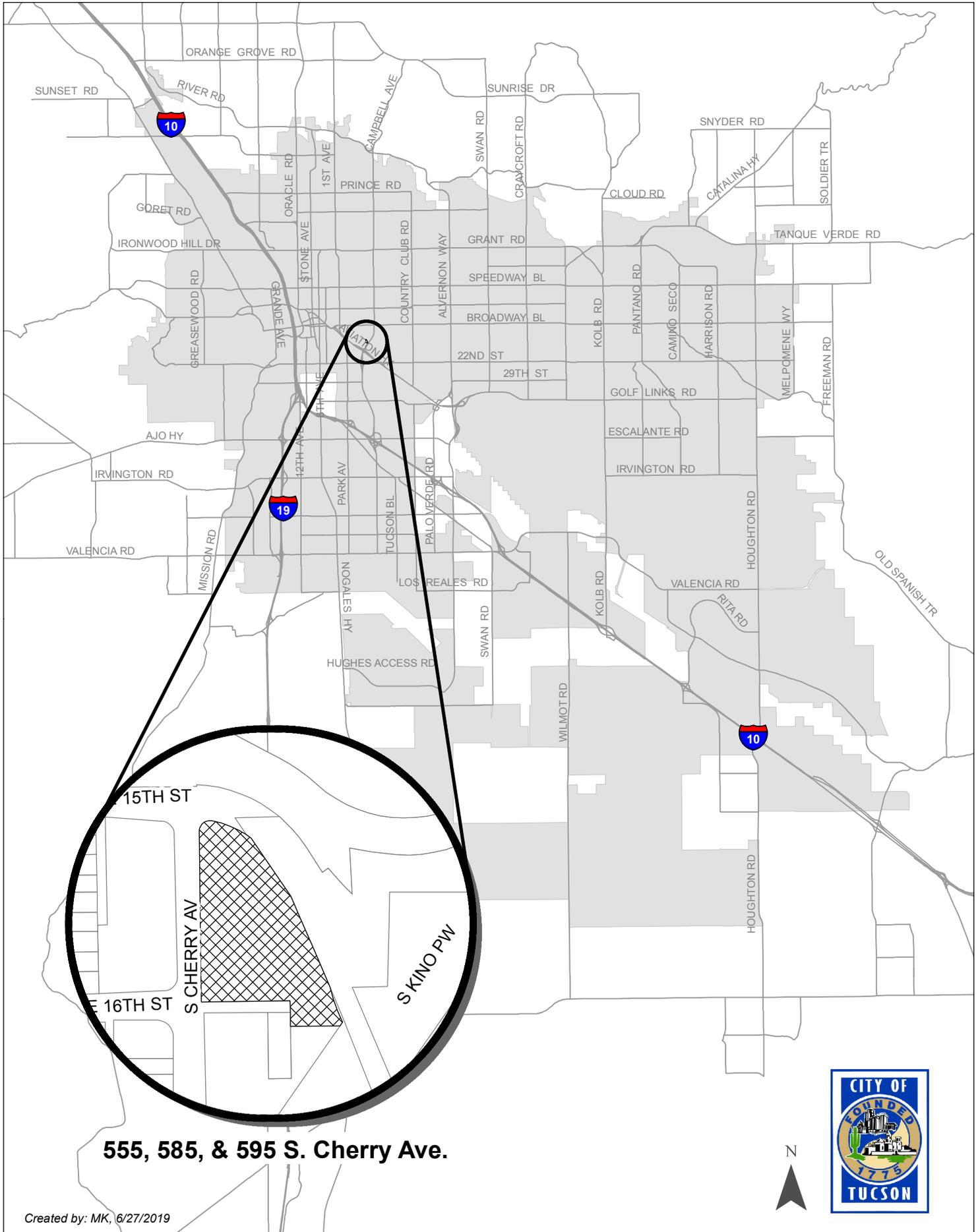


 Area of Rezoning: I-1 to C-1

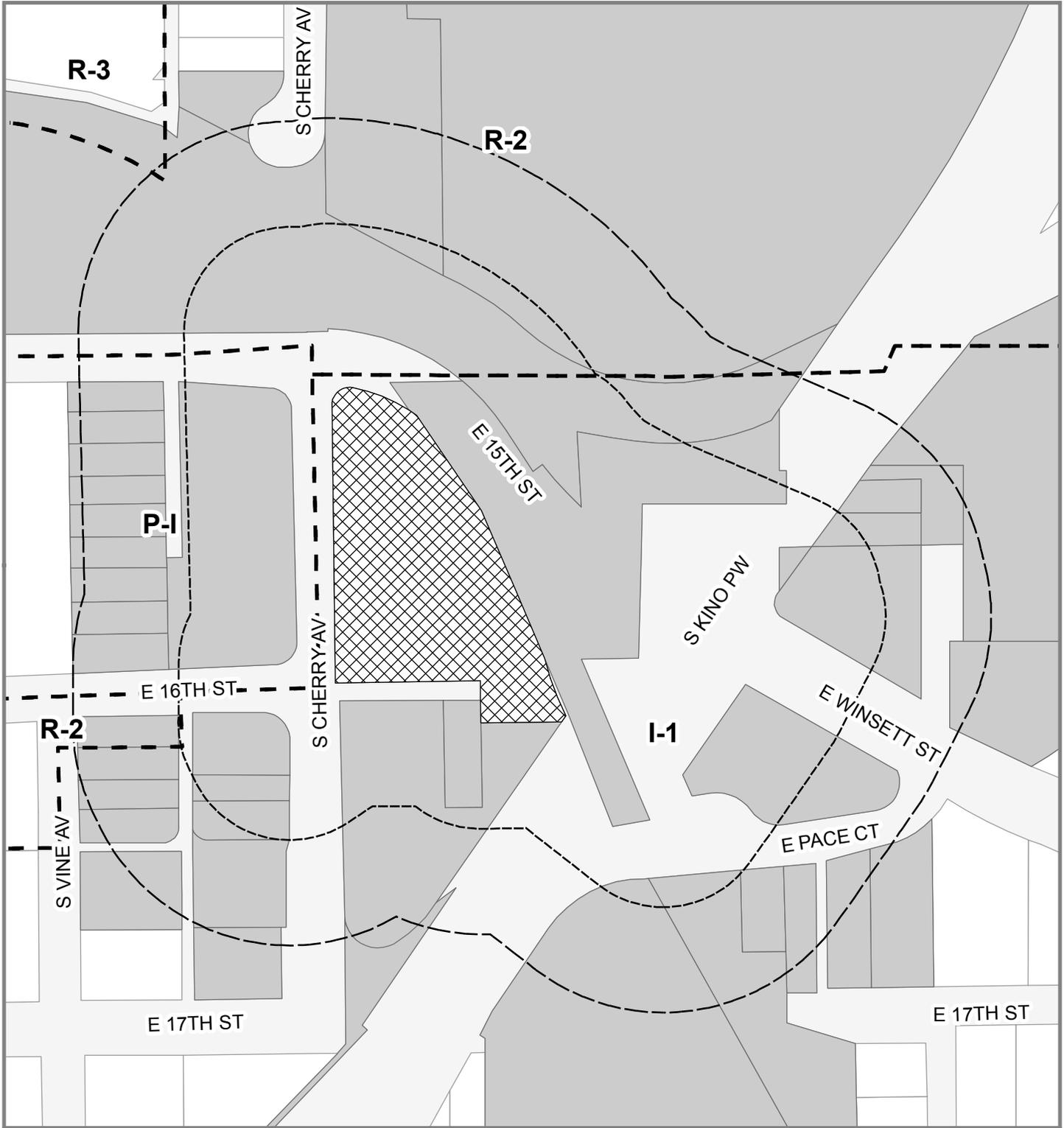
Address: 555, 585, & 595 S. Cherry Ave.
Base Maps: Twp.14S Range 14E Sec.18
Ward: 5

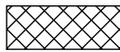
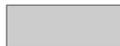


C9-19-11 - Cherry Lofts LLC - Cherry and Kino Rezoning Request: From I-1 to C-1

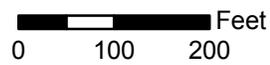


C9-19-11 - Cherry Lofts LLC - Cherry and Kino
 Rezoning Request: From I-1 to C-1



-  Area of Rezoning: I-1 to C-1
-  Protest Area (150 ft. radius)
-  Notification Area (300 ft. radius)
-  Zone Boundaries
-  Properties Notified

Address: 555, 585, & 595 S. Cherry Ave.
 Base Maps: Twp.14S Range 14E Sec.18
 Ward: 5



1 inch = 200 feet



Place
Stamp
Here

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

C9-19-11

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

C9-19-11
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED