



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

June 25, 2020

C9-20-01 Naifeh – 22nd Street, R-2 & C-2 to I-1
(Ward 5)
Public Hearing: June 11, 2020

BACKGROUND

This is a request by Jeffrey A. Stanley of JAS Engineering, on behalf of the property owner, Mike Naifeh of NW22Kino LLC, to rezone approximately 1.45 acres from R-2 and C-2 to I-1 zoning. The rezoning site is located at the northeast corner of 22nd Street and Highland Avenue, just west of the Kino Parkway overpass (see Case Location Map). The preliminary development plan (PDP) proposes a single-story 16,100-square foot building, with a height of 30 feet, for general manufacturing, assembly, and warehouse uses.

PUBLIC HEARING SUMMARY

June 11, 2020 Zoning Examiner Hearing

The Applicant's representative spoke in support of the proposed rezoning. Three other persons spoke and addressed the removal of a billboard on the subject property, but noted that they had no objection to the rezoning. (Removal of the billboard is required by the preliminary conditions proposed by PDS.)

As of the date of the June 11, 2020 Zoning Examiner hearing, there were two (2) written approvals and no (0) written protests.

FINDINGS OF FACT

Background Information

Existing Land Use: vacant, undeveloped land



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Zoning Descriptions:

Existing Zoning:

Residence Zone (R-2) – 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.

Commercial Zone (C-2) – This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Proposed Zoning:

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.

Surrounding Zones and Land Uses:

North: Zoned I-1; industrial manufacturing and warehouse uses

South: Zoned R-2; Vacant land and multi-family residential

East: Zoned I-1; Kino Parkway and industrial manufacturing uses

West: Zoned C-2 and C-3; Commercial

Planning Considerations

Land use policy direction for this area is provided by the *Greater South Park Area Plan (GSPP)*, *Subarea 2* and *Plan Tucson (PT)*. The rezoning site is located within a Mixed-Use Center as identified on the Future Growth Scenario Map of *Plan Tucson*. 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 residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycling, and walking will get priority in these areas, although cars will still play an important role. In this context, the proposed and existing industrial uses accommodate employment and support the mix of uses envisioned for the general area by *PT* on the Future Growth Scenario Map. *PT* policies support 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* guidelines support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to the relevant site and



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architectural design guidelines. *PT* supports the retention and expansion of existing businesses and convenient public transit to serve employees.

Adjacent to the Southern Pacific Railroad and north of 22nd Street and east of Park Avenue, Subarea 2 of the *Greater South Park Area Plan* contains a mixture of uses and zones. Although the majority of land uses are commercial and industrial, there is also a small pocket of residential uses and zones in this subarea. With the Kino Boulevard alignment transecting this area and previous rezoning approvals for commercial and industrial uses, this subarea appears to be transitioning to more commercial and industrial uses. The policy section of *Subarea 2* supports additional light industrial uses. The goal of the *GSPP* is to guide future development while protecting and improving existing neighborhoods. It calls for reducing the travel time and distance between home and work, reducing transportation costs and energy consumption. It requires proximity to major streets and transportation corridors, adequate buffer areas to protect adjacent uses, prohibition of industrial traffic through residential areas and access to existing or planned public transit routes. It also promotes the availability of industrial employment to people who are not able to expend the time or money necessary for a lengthy home-to-work trip. The proposed rezoning request from R-2 and C-2 to I-1 is supported by *PT* and *GSPP*.

The 1.45-acre rezoning site is comprised of ten parcels and is located at the northeast corner of 22nd Street and Highland Avenue. Nine of the ten parcels are currently zoned R-2, with a single C-2-zoned parcel located in the southwest corner of the subject property, which is bounded by Kino Parkway on the east, 22nd Street on the south, and Highland Avenue on the west. Kino Parkway, a designated Gateway Route arterial, leads north to the University of Arizona, and to the south it provides access to Interstate 10 and the Tucson International Airport. The site is also located in close proximity to Aviation Parkway, with access to downtown and Davis-Monthan Air Force Base. The rezoning site is within an industrial business area, with surrounding development consisting of a mix of industrial, commercial, and residential land uses. To the east, across Kino Parkway, and to the north, are a mix of commercial and industrial uses, zoned I-1. To the west of the rezoning site across Highland Avenue are commercial uses in C-2 and C-3 zoning. Directly to the south across 22nd Street is vacant land, zoned R-2, with multi-family residential uses to the southwest of the site, also zoned R-2.

Design Considerations

Land Use Compatibility – The adjacent public rights-of-way and surrounding commercial, and industrial uses provide separation between the rezoning site and the nearest residential development, eliminating the potential for this project to create negative impacts on residential development. The adjacent rights-of-way also increase the visibility of the rezoning site and the proposed building. Because of its high visibility from adjacent streets, and the designation of Kino Parkway as a Gateway Route, the design should establish a common theme for buildings and walls, rooftop mechanical equipment should be screened, and the roofline should



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include a variety of lines and planes to provide visual interest. Perimeter masonry screen walls should incorporate a design treatment with two or more materials like stucco, tile, brick, or similar material, in a visually interesting pattern. Dumpsters and outdoor storage should be screened from view with a masonry screen wall. Outdoor storage should not extend above the height of the screen wall.

Road Improvements/Vehicular Access/Circulation – Direct vehicular access to the rezoning site is proposed from 22nd Street and from Highland Avenue. Highland Avenue is a local street providing access to industrial uses to the north. The *Major Streets and Routes Plan* map designates 22nd Street as a major arterial street with a 120-foot cross section.

The site is immediately adjacent to and west of the southbound off ramp for Kino Parkway, which is identified on the *Major Streets and Routes Plan* map as a Gateway Route arterial with a 150-foot cross section. The PDP depicts 23 vehicle parking spaces for the 16,100-square foot building. Per the *Unified Development Code*, one vehicle parking space is required for each 1,000 square feet of building area. The PDP demonstrates that parking requirements will be met. Dedication of right-of-way may be required along 22nd Street.

Conclusion

The proposed rezoning is consistent with, and supported by the *Greater South Park Area Plan* and *Plan Tucson*, which support industrial development at this location. Subject to compliance with the preliminary conditions proposed by PDSD, approval of the requested I-1 zoning is appropriate.

Recommendation

The Zoning Examiner recommends approval of the requested rezoning to I-1, subject to the preliminary conditions proposed by PDSD.

Sincerely,

John Iurino
Zoning Examiner



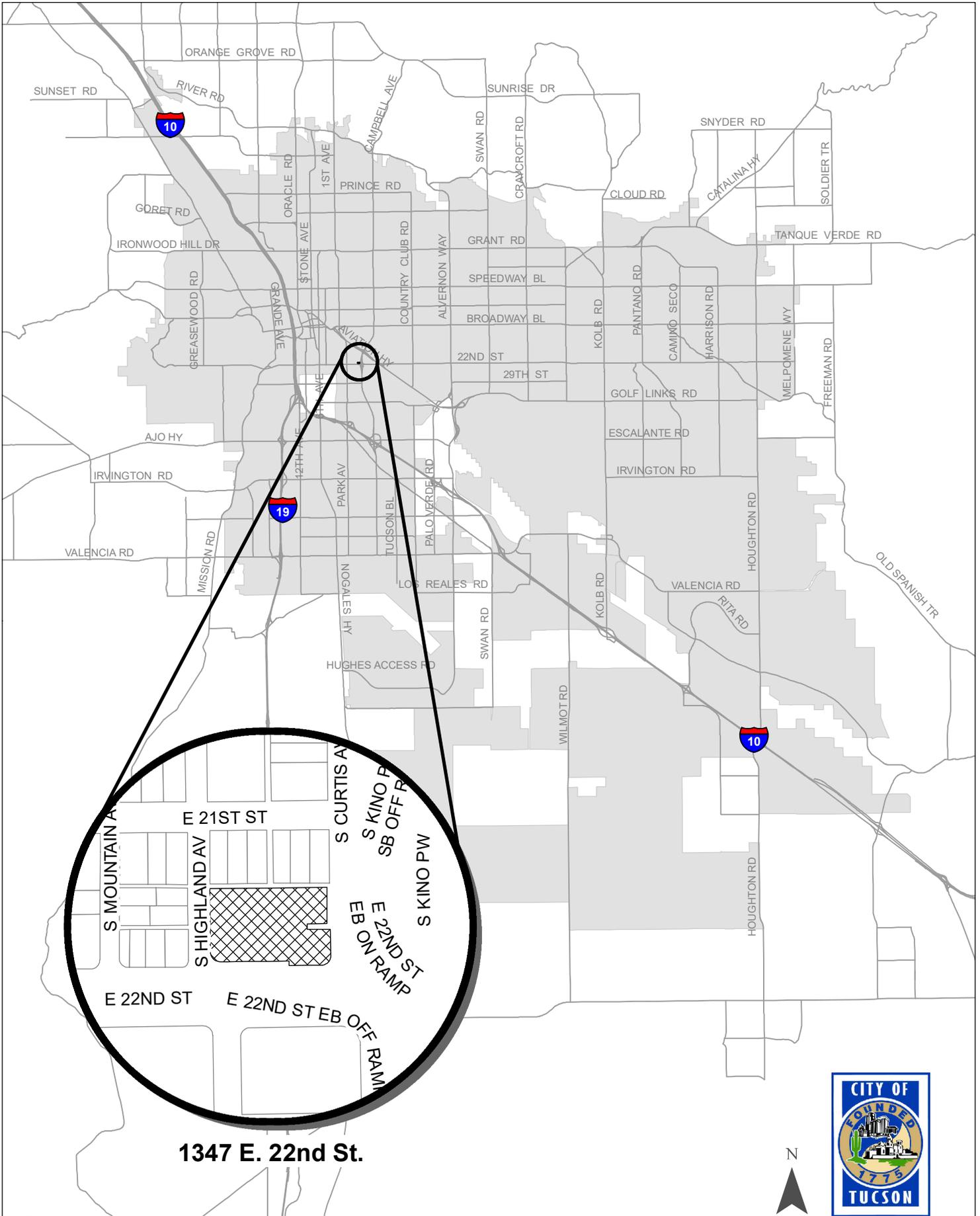
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ATTACHMENTS:

Case Location Map
Rezoning Case Map
Public Hearing Minutes

cc: Mayor and Council

Rezoning Request: From C-2 and R-2 to I-1



1347 E. 22nd St.



Rezoning Request: From C-2 and R-2 to I-1



 Area of Rezoning (C-2 and R-2 to I-1)

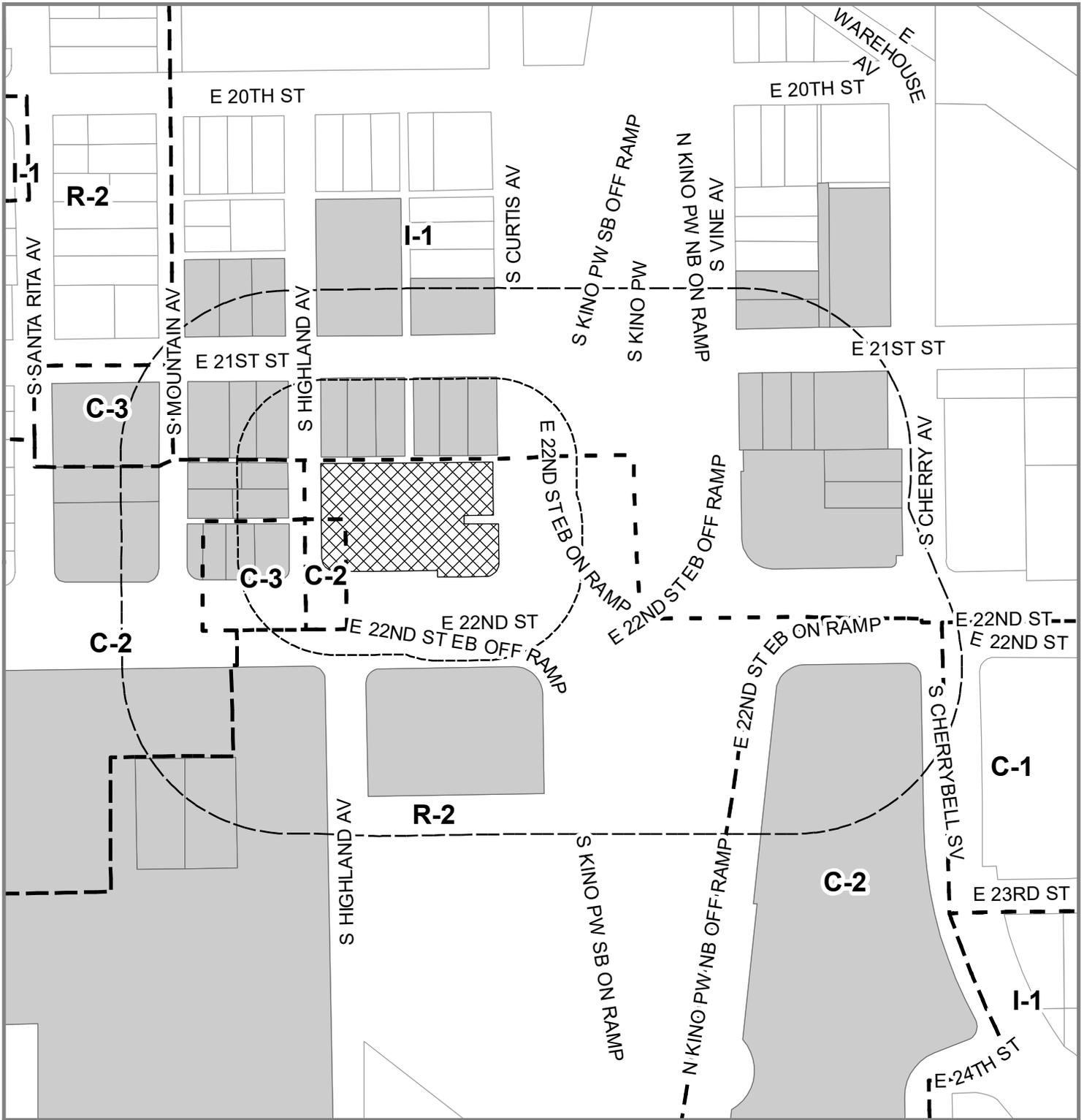
Address: 1347 E. 22nd St.
Base Maps: Twp.14S Range 14E Sec. 18
Ward: 5

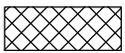
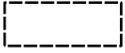



1 inch = 100 feet

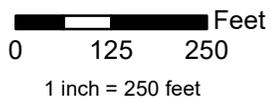


Rezoning Request: From C-2 and R-2 to I-1



-  Area of Rezoning (C-2 and R-2 to I-1)
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 1347 E. 22nd St.
 Base Maps: Twp. 14S R. 14E Sec. 18
 Ward: 5



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner
John Beall Planning & Development Services
Recording Electronically Created by GoToMeeting

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1 ZONING EXAMINER: - waiting until 6 o'clock to start the
2 hearing. (Pause) All right. Good evening, and welcome to tonight's
3 public hearing. My name is John Iurino, and I'm the Zoning Examiner
4 for the City of Tucson.

5 I conduct rezoning hearings on behalf of the Mayor and
6 Council and make findings-of-fact which I put into a report, along
7 with my recommendation which I then send along to the Mayor and
8 Council for their consideration and for their final decision.

9 My report will be based on the information submitted to me
10 which includes the rezoning application, the Staff report, all written
11 approvals and protests, all correspondence and the testimony given at
12 tonight's hearing. I will also include in the recording all documents
13 submitted to me up to the close of the public hearing.

14 A recording of tonight's testimony is being made. If
15 requested, a transcript will be prepared. With that in mind, if you
16 choose to speak tonight, I would ask you to speak clearly and to begin
17 your testimony by stating your name and your address.

18 I complete first a preliminary report within five working
19 days after the close of the public hearing, at which time I prepare a
20 final report. The final report will be issued two weeks after the
21 close of tonight's public hearing.

1 For those of you who wish to receive a copy of the
2 preliminary report and are not already a party listed on the case,
3 please send an e-mail to tucsonrezoning@tucsonaz.gov. Again,
4 tucsonrezoning@tucsonaz.gov, or call the Planning & Development
5 Services Department.

6 A copy of the final report will be available from the
7 Planning & Development Services Department, and I send the final
8 report to the Mayor and Council. At the scheduled public hearing for
9 the case, the Mayor and Council will then vote on the matter based on
10 my recommendation, along with other factors.

11 Tonight's public hearing will proceed in the following
12 manner. I will open the public hearing and ask Mr. John Beall of the
13 Planning & Development Services Department to give a brief
14 presentation of each of the two cases on tonight's docket.

15 After Mr. Beall's presentation, I will ask the Applicant,
16 or the Applicant's representative, to make, to make his or her
17 presentation. I will then ask to hear from anyone in the audience who
18 wishes to speak.

19 I will start by calling on anyone who has sent in an e-mail
20 stating that they wish to give testimony tonight, and then I will then
21 call on others who've joined the meeting, or telephoned in, who wish
22 to speak. I would ask you please wait for me to call on you to
23 testify so we will have a clear record of each person that is
24 speaking. If any of you experience any problems, you may call (520)
25 837-4984 during the hearing.

1 Since I cannot have any communication with anyone involved
2 in these cases outside of this public hearing, I would invite you to
3 speak tonight if you would like to do so.

4 After everyone in attendance has had a chance to speak, I
5 will offer the Applicant, or the Applicant's representative, a chance
6 to respond to any of the concerns or issues that may have been brought
7 up. With that in mind, anyone who thinks they might give testimony
8 tonight, I would ask to take an oath. Do you affirm to tell the
9 truth, the whole truth and nothing but the truth?

10 (Affirmative.)

11 ZONING EXAMINER: Thank you. I will now open the public
12 hearing. The first case is Case: C9-20-01 Naifeh-22nd Street. Mr.
13 Beall?

14 MR. BEALL: Mr. Zoning Examiner, can you hear me?

15 ZONING EXAMINER: Yes. Thank you.

16 MR. BEALL: Perfect. Better than last week. So, tonight's
17 case, this is a request by Jeffrey Stanley of JAS Engineering on
18 behalf of the property owner, Mike Naifeh, to rezone approximately
19 1.45 acres from R-2 and C-2 to I-1 zoning. The rezoning site is
20 located at the northeast corner of 22nd Street and Highland Avenue just
21 west of Kino Parkway Overpass.

22 A Preliminary Development Plan, PDP, proposes a single-
23 story, 16,100-square-foot building with the height of 30 feet for
24 general manufacturing, assembly and warehouse uses. One sec.

1 There is currently a billboard located on the site at the
2 northeast corner of 22nd Street and Highland Avenue. The billboard is
3 required to be removed. Based on discussions between the property
4 owner and the Billboard Review Committee, an agreement was reached to
5 removed the billboard prior to issuance of either a grading permit or
6 a building permit for any location on the site, or by no later than
7 November 19th, 2022, whichever date comes first.

8 Verification of billboard removal, including termination of
9 billboard lease agreement, shall be provided to the tenant by copy
10 submitted to Planning & Development Services by no later than August
11 1st, 2021, if billboard has not already been removed by the, by this
12 date. And that is actually a rezoning condition, as well as a maximum
13 height of 40 feet.

14 The proposed rezoning is consistent with and supported by
15 the Greater South Park Area Plan and Plan Tucson. Where support
16 industrial development at this location, subject to compliance with
17 the attached Preliminary Conditions, approval of the requested I-1
18 zoning is appropriate.

19 As of today's date, there have been two approvals and zero
20 protests. We've had three letters from the - one from the Sam Hughes
21 Neighborhood Association, one from the Rincon Heights Neighborhood
22 Association, and one from the Billboard Review Committee, which you
23 have all those. Thank you.

24 ZONING EXAMINER: Thank you, Mr. Beall. Would the
25 Applicant, or the Applicant's representative like to speak?

1 I see Mr. Stanley has logged on. Mr. Stanley, can you hear me?
2 John, do you have - or Dan, do you have contact information for Mr.
3 Stanley to check in with him to see if he wants to speak?

4 DAN: I do not. John, do you happen to have Mr. Stanley's
5 contact information?

6 MR. BEALL: Yeah, I have his e-mail address, but let me go
7 get his application and see about a phone number.

8 ZONING EXAMINER: Okay. Well, that's fine. And so, let's
9 go ahead. I do have two e-mails. We can go ahead with other folks
10 who might want to speak to this case. Mr. Maher (ph.), are you
11 hearing me okay, and would you like to speak?

12 (No oral response.)

13 ZONING EXAMINER: Okay. Ms. McLaughlin (ph.)? Kathy
14 McLaughlin?

15 MS. McLAUGHLIN: Hi. This is Kathy McLaughlin. I'm
16 representing the Sam Hughes Neighborhood Association. And I was on-
17 site to meet with Mr. Naifeh in November where we discussed the
18 removal of the billboard.

19 And since that meeting, my understanding is that that -
20 the billboard date has been renegotiated and we take no exception to
21 that renegotiated date. But if that date needs to be extended any
22 further out, we would want to be able to revisit that.

23 ZONING EXAMINER: Okay. Thank you for that, and would you
24 mind stating just for the record an address?

25 MS. McLAUGHLIN: I'm at 110 North Tucson Boulevard.

1 ZONING EXAMINER: Thank you very much. Mr. Maher, Mark
2 Maher, did you want to speak?

3 DAN: Just to let people know. In order to - if you're on
4 your phone and you would like to unmute yourself, you could use star
5 six to do so.

6 ZONING EXAMINER: Helpful. Thank you, Dan. With that in
7 mind, Mr. Stanley, are you on your phone? Do you want to use star six
8 to talk or not?

9 MR. STANLEY: I'm, I'm trying. Can you hear me at all or -

10 ZONING EXAMINER: Yup. You're coming through loud and
11 clear. Start with your name and address, please.

12 MR. STANLEY: My name's Jeff Stanley. I live at 3710 East
13 Calle Cortez in Tucson. And I don't have much to say other than, you
14 know, we're all okay with the Conditions and I can answer any
15 questions if you have any.

16 ZONING EXAMINER: Okay. I don't have any at this time, Mr.
17 Stanley. Thank you.

18 MR. STANLEY: Okay.

19 ZONING EXAMINER: We'll try Mr. Maher again. Now that you
20 know star six is the way to be heard, would you like to speak?
21 Perhaps not. Would anyone else in the audience like to speak?

22 MS. McLAUGHLIN: Excuse me. Mr. Iurino?

23 ZONING EXAMINER: Yes.

24 MS. McLAUGHLIN: This is Kathy McLaughlin again.

25 ZONING EXAMINER: Yes. Thank you.

1 MS. McLAUGHLIN: I spoke to Mark earlier today and I
2 suspect he doesn't have a cell phone or a, a, a smart phone. So, he
3 may not be able to unmute himself, so -

4 ZONING EXAMINER: Okay. Well, thank you for that
5 information, and we do have in the record Mr. Maher's letter. So, we,
6 we understand what he has stated there.

7 MS. McLAUGHLIN: (Inaudible)

8 ZONING EXAMINER: Would anyone else in the audience like to
9 speak on this case? (Inaudible)

10 MR. NAIFEH: This is Mike Naifeh.

11 ZONING EXAMINER: Okay.

12 MR. NAIFEH: Hello?

13 ZONING EXAMINER: Mr. Naifeh?

14 MR. NAIFEH: Yes. Hi. Actually, I've been trying, I've
15 been trying, trying to get on. Again, thanks for giving me the secret
16 star six code.

17 ZONING EXAMINER: (Inaudible)

18 MR. NAIFEH: And, and, Jeff, thank you for your comment. I
19 just wanted to say, you know, in an, in an effort to, you know, make
20 the, you know, kind of communicate with all - with interested
21 stakeholders, we, we did have a meeting with Councilman Fimbres and
22 his staff.

23 We - he asked us to have a meeting with the neighborhood
24 stake- -- association stakeholders, which we did. Explain, explain,
25 you know, what we, what our intentions were. And we actually also had

1 on November 9th, a meeting with nine people from surrounding
2 neighborhoods, including the immediate neighborhood. The two nearest
3 people that have businesses there were in favor of the rezoning.

4 And, you know, so, basically, I just want to let you know,
5 you know, that what we really tried to do was, you know, keep people
6 informed and we appreciated everybody's support and working with us.

7 ZONING EXAMINER: Thank you. Now just for the record,
8 please an address.

9 MR. NAIFEH: Michael Naifeh, 6061 East Grant Road, Tucson,
10 Arizona, 85712.

11 ZONING EXAMINER: Thank you, Mr. Naifeh. Would anyone else
12 like to speak on this case?

13 MR. MAHER: Hello?

14 ZONING EXAMINER: Yes?

15 MR. MAHER: Hello?

16 ZONING EXAMINER: Hello.

17 MR. MAHER: This is Mark Maher. I guess I finally
18 untangled the unmuting here. I've been able to hear all the
19 proceedings up to now.

20 It's Mark Maher. I'm in behalf of the Billboard Review
21 Committee, address, 3361 East 23rd Street, Tucson, Arizona.

22 The letter pretty, pretty well sets everything out and I
23 just wanted to say that the removal of the billboard is a specific
24 policy in the General Plan. And we find this a, a fair implementation

1 of that plan in this particular situation. With that said, I don't
2 have anything more to add or take up any more time.

3 ZONING EXAMINER: Thank you, Mr. Maher. Would anyone else
4 like to speak on this case?

5 MS. TIBULEE: Yeah. Laura Tibulee (ph.). I finally got my
6 thing unmuted. I just - I'm a representative for Lincoln Heights
7 Neighborhood Association. I sent an e-mail and I also, I believe,
8 forwarded to you a resolution from last fall.

9 Much like Sam Hughes Neighborhood, our main concern is that
10 that billboard comes down when it's supposed to come down.

11 ZONING EXAMINER: Thank you very much.

12 MS. TIBULEE: Can you hear me?

13 ZONING EXAMINER: Yes. Loud and clear. Thank you. Could
14 you -

15 MS. TIBULEE: Oh. My -

16 ZONING EXAMINER: Go ahead.

17 MS. TIBULEE: - address. 116 North Mountain Avenue, yeah.
18 85719.

19 ZONING EXAMINER: Perfect. Thank you so much. Anyone
20 else? Hearing no one, I will close the hearing on Case: C9-20-01.

21 (Case: C9-20-01 was closed.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case referenced on page 1 above.

Transcription Completed: 06/25/2020

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service