



MEMORANDUM

DATE: August 5, 2020
For August 20, 2020 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark, Director
Planning & Development Services

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-20-07 Dorsett – Ajo Way, R-1 to C-2 (Ward 5)

Issue – This is a request by Paul Oland of Paradigm Land Design LLC, on behalf of the property owner, John Dorsett of W. M. Grace Company, to rezone two parcels comprising approximately 8.5 acres from R-1 to C-2 zoning. The rezoning site is located on the south side of Ajo Way, approximately 1,000 feet east of Kino Parkway, just west of Kino Sports Complex, and just north of Interstate 10 (see Case Location Map). The preliminary development plan (PDP) proposes a retail commercial subdivision comprised of six parcels, with four restaurant pad spaces, and two retail pad spaces, including a fueling station at the northwest corner of the rezoning site. The proposal includes landscaping, parking, pedestrian circulation, stormwater basins, and cross access within the site, with three of the six commercial pads having drive-through lanes. Maximum proposed building heights are 40 feet as allowed in the C-2 zone.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped

Zoning Descriptions:

Existing: Residence Zone (R-1) – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Proposed: 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.

Surrounding Zones and Land Uses:

North: Zoned R-1 & I-1; Pima County Juvenile Court, fuel station and retail uses across Ajo Way
South: Zoned PAD-18; Interstate 10, undeveloped land (future Kino Campus PAD)
East: Zoned PAD-18; Tucson Diversion Channel tributary to Julian Wash, Kino Sports Complex
West: Zoned R-1 and R-2; Interstate 10 offramp, undeveloped land

Previous Cases on the Property:

C9-97-18 Irvington Commons, R-1 to C-2 and C-3 This was a rezoning request for the subject property to allow the development of a mix of retail, office uses, and alternative design that included a hotel. On December 8, 1997, the Mayor and Council voted 7 to 0 to authorize the rezoning. No building permit, subdivision plat, or site inspection was ever done to effectuate the requested zoning, and the time for compliance with the conditions of rezoning expired on December 8, 2002. Therefore, the rezoning case was closed, and the existing R-1 zoning remains in effect.

Related Cases:

C9-07-26 Irvington Commons, R-1, R-2, and C-2 to C-1 and C-2 This was a rezoning request for approximately 16.02 acres located directly southwest of the subject rezoning on the east side of Kino Parkway, south of Kino Parkway and Interstate 10 (I-10) interchange to allow the development of a mix of retail, office uses, and alternative design that included a hotel. On March 18, 2008, Mayor and Council approved Ordinance No. 11020 however no building permit, subdivision plat, or site inspection was ever done effectuating the requested zoning.

Applicant's Request – Rezoning to C-2 (Commercial Zone) is requested for a retail center consisting of 39,334 square feet of commercial space to include restaurants, shops, and a gas station.

Planning Considerations – Land use policy direction for this area is provided by the *Kino Area Plan* and *Plan Tucson*. *Plan Tucson* guidelines support the location of employment, retail and services in proximity to each other to allow easy access and reduce dependence on car travel, and support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *Plan Tucson* also supports strategically located mixed-use activity centers and activity nodes in order to increase transit use, reduce air pollution, improve delivery of services, and create inviting places to live, work, and play, while protecting established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate non-residential land uses. *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.

The proposed site is within an area identified in *Plan Tucson* as “Existing Neighborhood”, which are primarily developed, 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 protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *Plan Tucson* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

The rezoning site is located within *Kino Area Plan*. A sub-goal of commercial policies with *Kino Area Plan* is to provide for an adequate amount and appropriate arrangement of commercial development. Commercial Policy 1 states that the City should promote a variety of commercial activity centers within *Kino Area Plan* to accommodate future regional, community, and neighborhood commercial needs. Policies generally support a mix of commercial, office, and residential uses along Ajo Way, and along Kino Parkway near I-10. The *Kino Area Plan* also calls for treatment along the Julian Wash to incorporate recreation facilities, including a shared-use trail to provide connectivity with the recreation facilities located at Ajo Way and Country Club Road, and to maintain and improve access for users west of Kino Parkway, and reinforces and supports the regional trail network along the Julian Wash. This rezoning is consistent with those policies.

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

Future development must be in substantial conformance with the Preliminary Development Plan. Minor changes may be considered. Major changes require an amendment approved by Mayor and Council.

Design Considerations

Land Use Compatibility – *Plan Tucson* emphasizes design compatibility of new projects with adjacent land uses. The applicant is proposing a commercial center with retail and food service land uses. This type of development on existing vacant land meets the infill and mixed-used goals outlined in *Plan Tucson*. Proposed uses include restaurants and retail shops, including a fueling station, with building heights up to 40 feet.

To the north of the site, across Ajo Way, is the Pima County Juvenile Court, zoned R-1, and to the northwest are retail commercial uses, zoned I-1. Immediately to the east of the site is the Tucson Diversion Channel, which flows into the nearby Julian Wash corridor, and the Kino Sport Complex, zoned PAD-18. A 12-foot wide landscaped area along the east property line, adjacent to the Tucson Diversion Channel, is requested by Tucson Parks and Recreation to provide a buffer for the Tucson Loop recreational trail, in compliance with *Kino Area Plan* and *Plan Tucson* policies. Adjacent to the south of the rezoning site is Interstate 10 with vacant land just beyond, which is part of the future Kino Campus PAD, zoned PAD-18. Immediately west of the site is the Interstate 10 eastbound offramp, with undeveloped land beyond, zoned R-1 and R-2 up to Kino Parkway.

Road Improvements/Vehicular Access/Pedestrian Circulation – The site is immediately adjacent to Ajo Way and in very close proximity to Kino Parkway and Interstate 10, with easy access to the nearby Kino Sports Complex, downtown Tucson, the University of Arizona, the Tucson International Airport, and Davis Monthan Air Force Base. Ajo Way is designated as an arterial street with a planned right-of-way of 120 feet and Kino Parkway, located approximately 1,000 feet to the west of the site, is classified as arterial Gateway Route on the *Major Streets and Routes Plan (MS&RP)*.

According to the PDP, dated July 24, 2020, direct vehicular ingress/egress to the rezoning site will be by way of two points along Ajo Way. The westernmost access point is limited to right-in/right-out only due to the existing median within Ajo Way. The main vehicle access point located near the northeast corner of the site will have access to and from both directions along Ajo Way due to an existing median opening at this location.

A traffic impact statement was concluded on May 28, 2020. Suggested improvements included reconstruction of the raised median between the Ajo Way/Kino connection/Interstate 10 ramps intersection to maximize the storage lengths for the left turn lanes on each side of the raised median island, and extension of the westbound left turn lane on Ajo Way on the approach to the east driveway. In addition, The City of Tucson Department of Transportation (TDOT) Traffic Engineering Division Extension will require extension of the existing bus bay located at the west driveway entrance as depicted in the bus bay standard detail within the City of Tucson Transportation's access management guidelines. The applicant should coordinate any required bus stop improvements with TDOT.

The traffic impact statement states that the proposed commercial development is anticipated to generate approximately 7,329 average new daily vehicle trips.

There is a 10-foot wide paved multi-use path located along the Tucson Diversion Channel adjacent to the southeast property boundary of the project. This path is part of the Tucson Loop trail and connects the Ed Pastor Environmental Restoration Project and the Kino Sports Complex to the Julian Wash Greenway just to the south of Interstate-10. Pima County Parks and Recreation recommends a 12-foot on-site buffer area with landscaping along this southeast edge of the rezoning site adjacent to the Loop Trail as shown on the preliminary development plan, dated July 24, 2020.

Conclusion – The proposed rezoning of the site from R-1 to C-2 is appropriate for this location, is compatible with both existing and future surrounding land uses, and is in compliance with the *Kino Area Plan* and *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is recommended.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated July 24, 2020, 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 (l) 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.
8. A 12-foot wide on-site landscaped buffer area shall be provided adjacent to the Tucson Loop Trail, located along the southeast edge of the rezoning site. A portion of the trash enclosure area, including the required screening, may be placed within this buffer area as depicted on the preliminary development plan, dated July 24, 2020.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

9. All offsite improvements required with the development, such as street improvements, bus stop improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.

TUCSON AIRPORT AUTHORITY

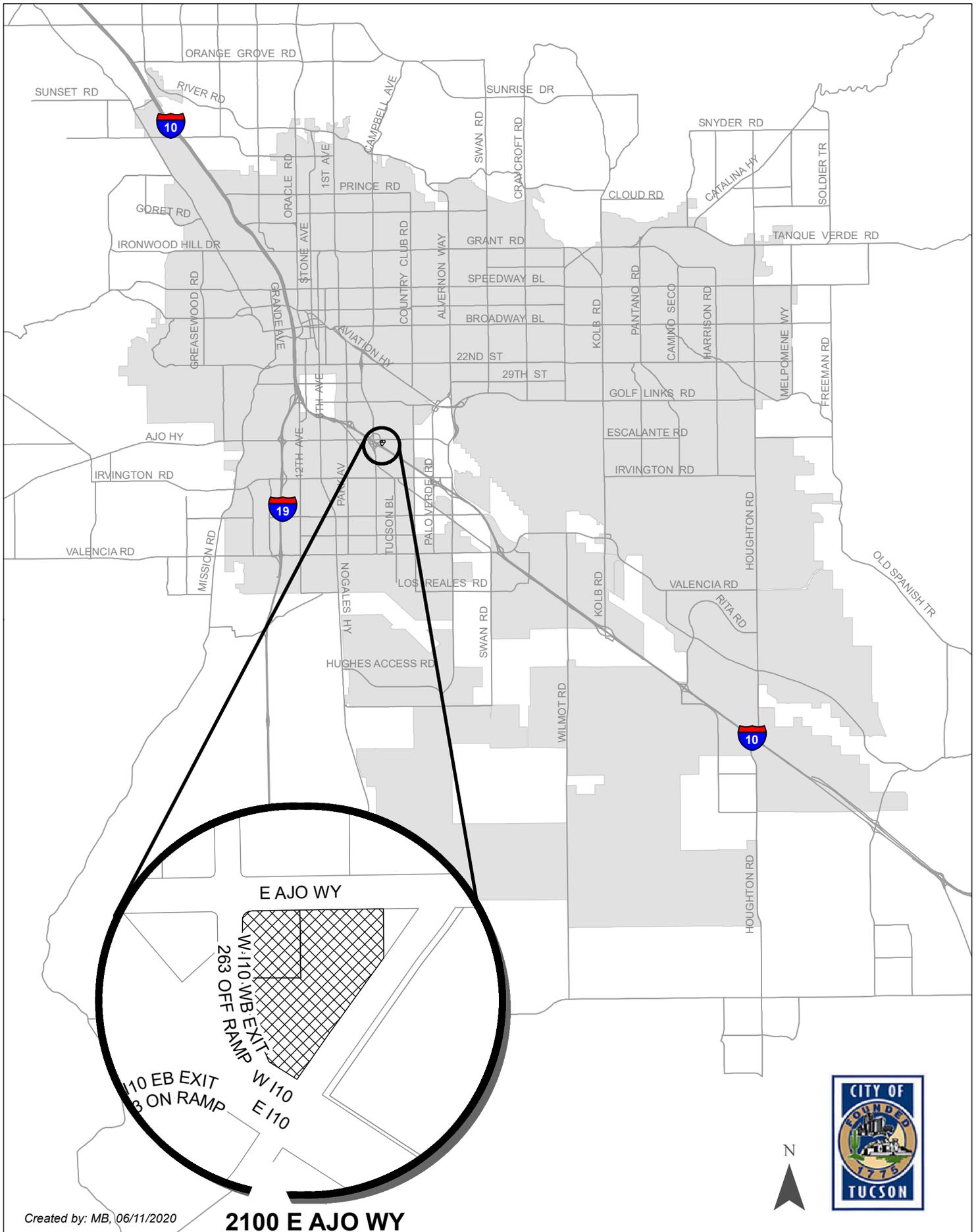
10. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant shall file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. 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 which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Prior to the City's approval of any construction permit, and before any proposed subdivision of the property, the property owner shall record the TAA-approved 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.

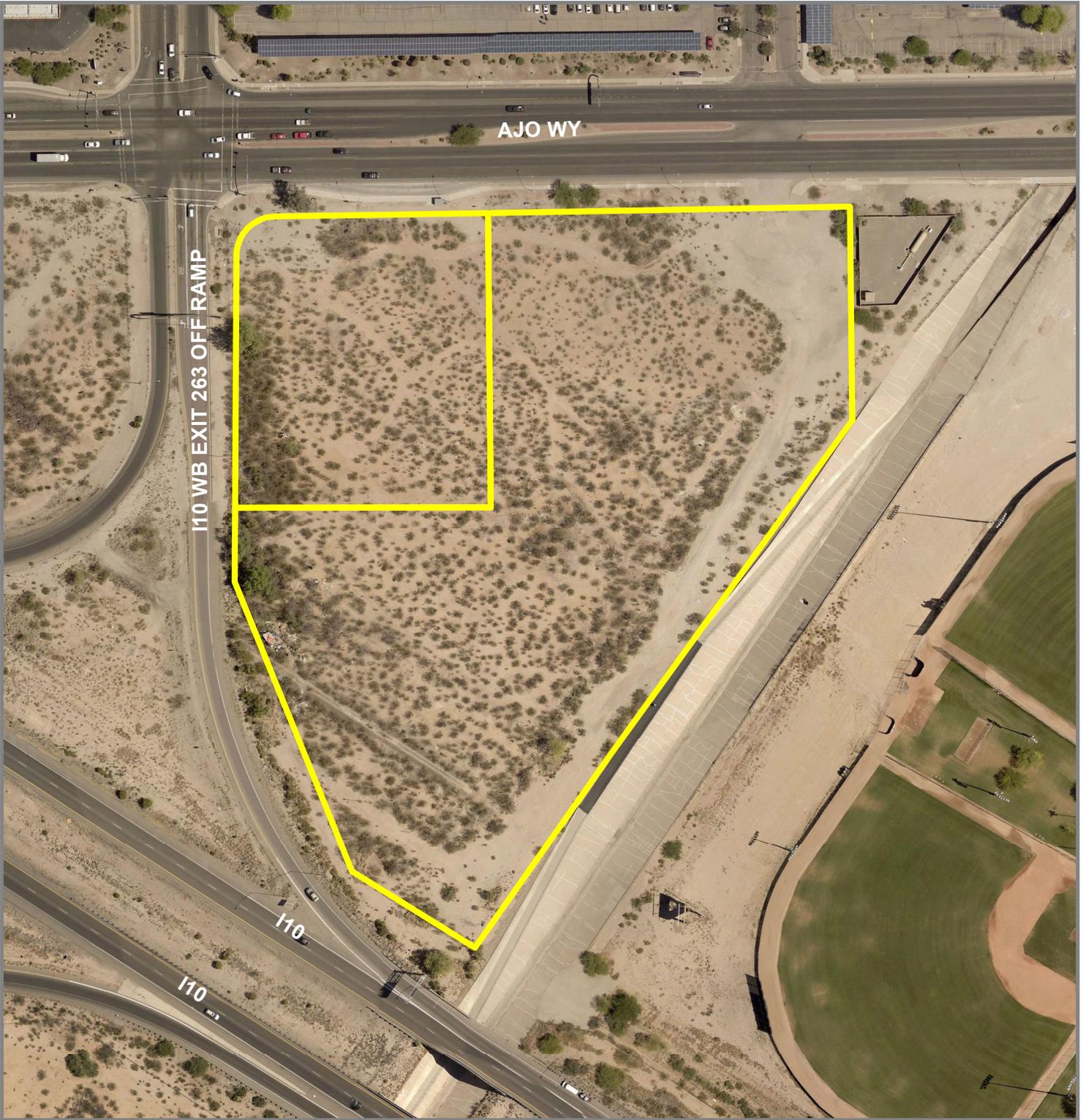
The current property owner/developer/applicant or other person authorized to sign on behalf of the current property owner shall complete, sign, and record the Avigation Easement with the Pima County Recorder's Office. Once the Avigation Easement is recorded send a complete copy of the recorded easement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

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

C9-20-07 Dorsett - Ajo Way Rezoning Request: From R-1 to C-2



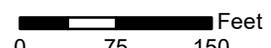
C9-20-07 Dorsett - Ajo Way
Rezoning Request: From R-1 to C-2



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

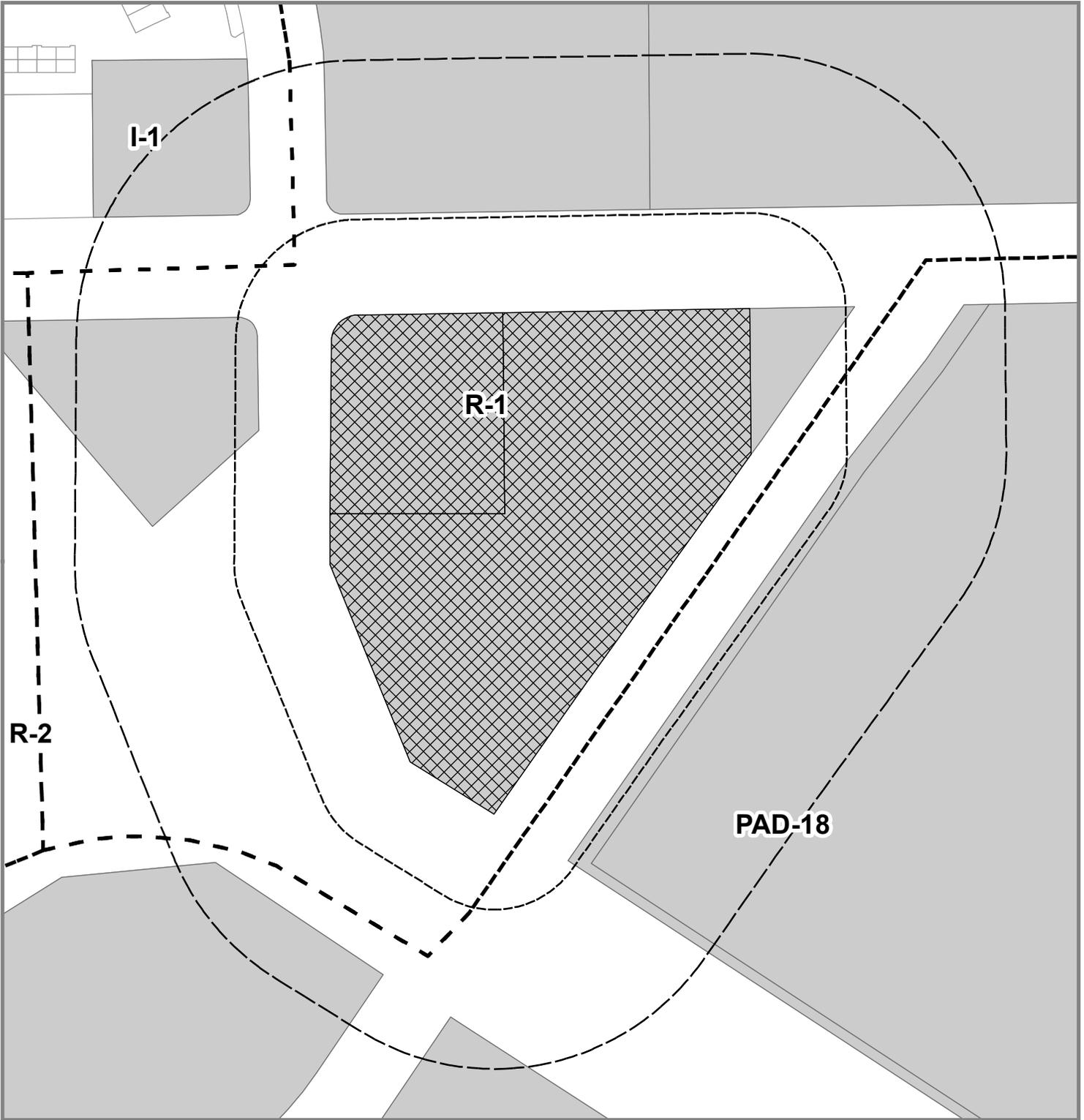
Address: 2100 E AJO WY
Base Maps: Twp.14S Range 14E Sec. 32
Ward: 5

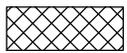
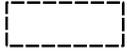
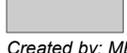


 Feet
0 75 150
1 inch = 149.619391 feet



C9-20-07 Dorsett - Ajo Way
Rezoning Request: From R-1 to C-2

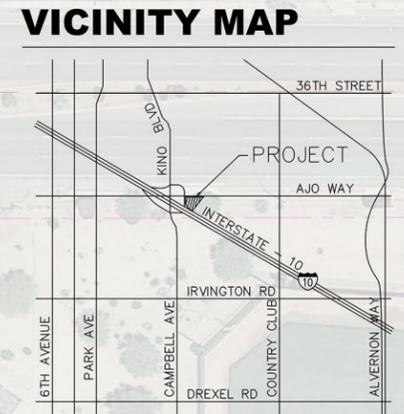
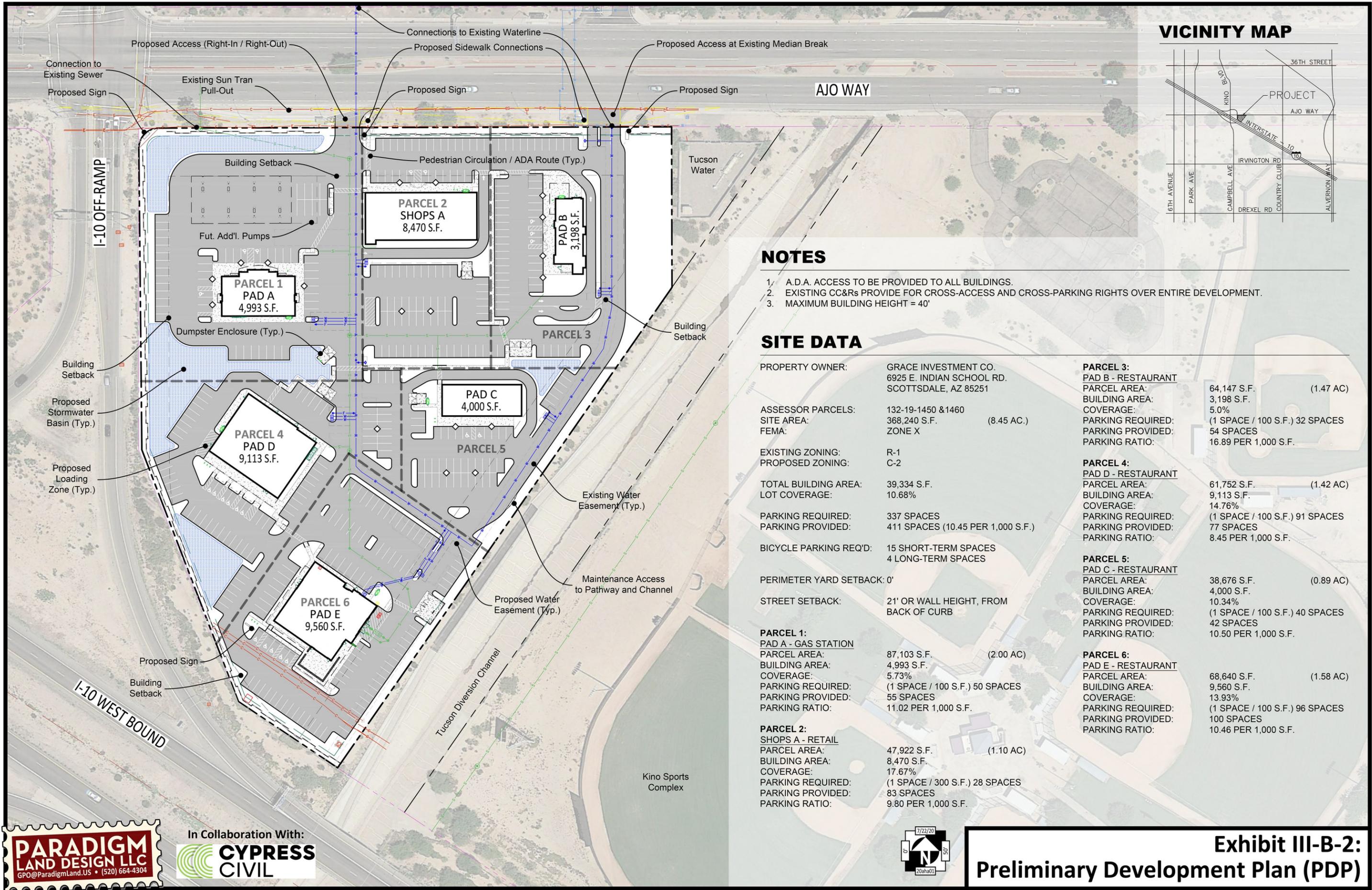


-  Area of Rezoning (R-1 to C-2)
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 2100 E AJO WY
Base Maps: Twp. 14S R. 14E Sec. 32
Ward: 5

0 110 220 Feet
1 inch = 219 feet





NOTES

1. A.D.A. ACCESS TO BE PROVIDED TO ALL BUILDINGS.
2. EXISTING CC&Rs PROVIDE FOR CROSS-ACCESS AND CROSS-PARKING RIGHTS OVER ENTIRE DEVELOPMENT.
3. MAXIMUM BUILDING HEIGHT = 40'

SITE DATA

PROPERTY OWNER:	GRACE INVESTMENT CO. 6925 E. INDIAN SCHOOL RD. SCOTTSDALE, AZ 85251	PARCEL 3: PAD B - RESTAURANT	64,147 S.F. (1.47 AC)
ASSESSOR PARCELS:	132-19-1450 & 1460	PARCEL AREA:	3,198 S.F.
SITE AREA:	368,240 S.F. (8.45 AC.)	BUILDING AREA:	5.0%
FEMA:	ZONE X	COVERAGE:	(1 SPACE / 100 S.F.) 32 SPACES
EXISTING ZONING:	R-1	PARKING REQUIRED:	54 SPACES
PROPOSED ZONING:	C-2	PARKING PROVIDED:	16.89 PER 1,000 S.F.
TOTAL BUILDING AREA:	39,334 S.F.	PARCEL 4: PAD D - RESTAURANT	61,752 S.F. (1.42 AC)
LOT COVERAGE:	10.68%	PARCEL AREA:	9,113 S.F.
PARKING REQUIRED:	337 SPACES	BUILDING AREA:	14.76%
PARKING PROVIDED:	411 SPACES (10.45 PER 1,000 S.F.)	COVERAGE:	(1 SPACE / 100 S.F.) 91 SPACES
BICYCLE PARKING REQ'D:	15 SHORT-TERM SPACES 4 LONG-TERM SPACES	PARKING REQUIRED:	77 SPACES
PERIMETER YARD SETBACK:	0'	PARKING PROVIDED:	8.45 PER 1,000 S.F.
STREET SETBACK:	21' OR WALL HEIGHT, FROM BACK OF CURB	PARCEL 5: PAD C - RESTAURANT	38,676 S.F. (0.89 AC)
PARCEL 1: PAD A - GAS STATION	87,103 S.F. (2.00 AC)	PARCEL AREA:	4,000 S.F.
PARCEL AREA:	4,993 S.F.	BUILDING AREA:	10.34%
BUILDING AREA:	5.73%	COVERAGE:	(1 SPACE / 100 S.F.) 40 SPACES
COVERAGE:	(1 SPACE / 100 S.F.) 50 SPACES	PARKING REQUIRED:	42 SPACES
PARKING REQUIRED:	55 SPACES	PARKING PROVIDED:	10.50 PER 1,000 S.F.
PARKING PROVIDED:	11.02 PER 1,000 S.F.	PARCEL 6: PAD E - RESTAURANT	68,640 S.F. (1.58 AC)
PARKING RATIO:		PARCEL AREA:	9,560 S.F.
PARCEL 2: SHOPS A - RETAIL	47,922 S.F. (1.10 AC)	BUILDING AREA:	13.93%
PARCEL AREA:	8,470 S.F.	COVERAGE:	(1 SPACE / 100 S.F.) 96 SPACES
BUILDING AREA:	17.67%	PARKING REQUIRED:	100 SPACES
COVERAGE:	(1 SPACE / 300 S.F.) 28 SPACES	PARKING PROVIDED:	10.46 PER 1,000 S.F.
PARKING REQUIRED:	83 SPACES		
PARKING PROVIDED:	9.80 PER 1,000 S.F.		
PARKING RATIO:			



**Exhibit III-B-2:
Preliminary Development Plan (PDP)**

"G:\Projects\20ah 2100 E Ajo Way\20ah01\0230\Site Analysis\Exh III-B-2 PDP.dwg"

Place
Stamp
Here

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

C9-20-07

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

C9-20-07

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED