

ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

November 30, 2017

C9-17-12 U-Haul – Broadway Boulevard C-1 to C-2 Zoning

BACKGROUND

This is a request by Billy Longenbaugh, MCP, of U-Haul Center of Southern Arizona, on behalf of AMERCO Real Estate Company, to rezone approximately 4.1 acres from C-1 to C-2 zoning. The rezoning site is part of a commercial center located at the southeast corner of Broadway Boulevard and Camino Seco. The preliminary development plan (PDP) shows an indoor U-Haul personal storage and retail use within a 52,756 square foot building and an outdoor vehicle staging and rental area fronting Broadway Boulevard. Primary access is from Broadway Boulevard, an arterial street, with secondary access on Camino Seco, an arterial street and Cooper Street, a local street. Personal storage is permitted in a C-1 zone for sites less than three acres. The outdoor vehicle staging and rental use requires a C-2 zone.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the November 16, 2017, Zoning Examiner's Public Hearing, staff reported seven written approvals and eleven written protests. Staff noted that protest by number of lots amounted to 58.3% and 37.8% by land area; hence a super majority will be required at Mayor and Council. Besides the applicant, there were ten speakers. Three of the speakers spoke in favor of the rezoning; seven spoke against it.

The applicant showed a power point presentation in which he described the project and discussed U-Haul's community involvement and sustainability efforts. He stated that U-Haul will resurrect the existing grocery store which had been vacant for over two years and which was sold in an internet auction, and that U-Haul has made and will continue to make substantial improvements to the property. All personal storage services will occur within the building with loading only from the north side. Vehicle staging and rental ("shunting") will occur in a designated area between the parking field and Broadway. No propane business will be performed on the site.

The applicant advertised a public meeting with adjacent and nearby property owners that was only attended by a few people. He reached out to an adjacent property owner who is opposed to the rezoning on at least three occasions as well as went door to door in the residential neighborhood and nearby commercial properties.

The applicant stated no objection to the Planning and Development Services' rezoning conditions.

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Speakers in support – The first speaker in support of the project represents the owner of the U-Haul property. She stated that the area has experienced changes over the years, particularly since the arrival of a Walmart grocer across Camino Seco, and that a grocery use would no longer be successful on the site. She said that U-Haul is a sustainable business that will not generate a lot of traffic and that will generate jobs and provide a tax base.

The next speaker also recommended approval of the rezoning. He has lived one half mile from the project for forty years and has seen a lot of businesses come and go on the site. He indicated that U-Haul has been an important financial supporter for local little league teams.

In response to a concern expressed by other speakers that the U-Haul use will not generate enough traffic on the site to support other uses, one speaker noted that Pima Association of Governments' counts for Broadway are 35,000 trips per day and 20,000 trips per day for Camino Seco, suggesting that adequate traffic that can be captured goes by the site everyday.

Speakers in opposition - In general, the speakers in opposition expressed concern about the denigration of the shopping center, the inappropriateness of U-Haul rental operations with the other businesses on the site, and the potential for rental vehicles parked along Broadway blocking views to the retail shop buildings. They also noted that the lower traffic anticipated for U-Haul was detrimental to operation of a shopping center that relies on high traffic counts generated by anchor stores.

The first speaker in opposition, an owner of the adjacent parcel, presented aerial boards showing the property and indicating the extent of protest by adjacent owners. He said that while U-Haul is an important and good business, it is not compatible with the other uses on this property. He was opposed to the staging area and truck traffic that would occur stating that the CC&R's require the paved areas to serve the businesses for customer parking only.

The next speaker presented before and after photographs of the shopping. Significant improvements were made to the buildings to increase visibility from Broadway. He said that he was concerned that the U-Haul development would have a negative impact on the Center, decrease property values, and prevent another more appropriate anchor tenant from ever locating on the site. He argued that the U-Haul business violates the intent of the Pantano East Area Plan in regards to compatibility with the other uses.

Another speaker was concerned about truck traffic crossing her property from Camino Seco. Her business, a drug store, attracts pedestrian traffic from the adjacent residential neighborhood, and children cross the site on the way to and from school.

A broker for the property indicated that a rental deal was negatively impacted with a new tenant when U-Haul became the property owner because it was not seen as good for their business. The rezoning does not complement the zoning in place. The Zoning Examiner asked about trends today noting the increase in healthcare facilities happening in retail centers. The speaker responded that the new uses are still generating foot traffic that cannot be expected from the U-Haul facility.

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Another speaker spoke of the change in his adjacent insurance business when the grocery closed. He said that U-Haul businesses are not attractive in general, and it would not help his company to recover from the downturn.

FINDINGS OF FACT

Existing Land Use and General Location

The rezoning site is occupied by a vacant retail anchor building (formerly a grocery store) within an existing shopping center. To the north are retail and commercial uses zoned C-1 (Commercial). The properties to the south are high density residential and low density residential zoned O-3 (Office), R-3 (Residential), and R-1 (Residential). To the east are retail, commercial, and high density residential uses zoned C-1 (Commercial) and O-3 (Office). To the west are retail and commercial uses zoned C-2 (Commercial).

Land Use Plans

Land use policy direction for this area is provided by *Plan Tucson (PT)* and the *Pantano East Area Plan (PEAP)*.

PT identifies the rezoning site as part of a “neighborhood center,” which is one of twelve grouped building blocks on the Future Growth Scenario Map of *PT*. Neighborhood Centers are characterized in *PT* as a mix of small businesses surrounded by housing and accessed internally and from nearby neighborhoods, by pedestrian and bike friendly streets, and by transit. The goal is to maintain the character and privacy of the neighborhoods while accommodating some new development and encouraging reinvestment, services, and amenities that contribute to further neighborhood stability. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use landscape design.

The *PEAP*'s overall goal is to establish guidelines for new or re-development, while protecting existing land uses. *PEAP* provides that rezoning to commercial uses should be based on the site's being located on an arterial street, and “the proposed use's (being) integrated with other adjacent commercial uses”.

Site Plan Considerations

The preliminary development plan submitted with the rezoning application proposes modifying the main driveway from Camino Seco through the shopping center to accommodate a new loading area for the indoor self-storage facility located directly in front of the building, restriping parking spaces, and relocating landscape islands for shunting area for equipment and rental vehicles. The proposed outdoor vehicle shunting area will be centrally located within the rezoning site parking lot. The shunting area will provide angled, longer-than-standard, parking stalls to accommodate rental vehicles which will include vans and pick-up trucks. Other “box” trucks of various sizes will use the shunting area and potentially the loading area at the self-storage building. The applicant stated that the outdoor shunting area will not be enclosed by any type of fencing or screening, and the rezoning site parking area will continue to function as

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open vehicle parking and PAAL use area with cross access to the overall shopping center parking area.

Portable on Demand Storage units (PODS), outdoor open work areas for hitch or electrical system installations, or shade structures constructed to perform maintenance, repairs, or washing of equipment and vehicles will not occur on site. Per the Design Compatibility Report, in-house maintenance and services will be conducted off-site.

In reaching his decision about the appropriateness of this rezoning, the Zoning Examiner relied on testimony provided at the Hearing, consideration particularly of the *PEAP* guidelines, and professional experience with shopping center planning.

A typical C-1 shopping center consists of an anchor store, such as a grocery store, and smaller retail/office uses. The smaller retail/office uses rely on traffic generated by the anchor for their success. The Staff Report notes that traffic generated by the proposed U-Haul use would be approximately 132 trips per day per the Pima Association of Governments – Transportation Planning Division. In contrast, based on research done by the Zoning Examiner, a grocery anchor at this location could generate several thousand trips a day according to the ITE Trip Generation Rate (9th Edition).

As a land use as defined by the *Uniform Development Code*, the U-Haul business is commercial and, as such, is technically compatible to the rest of the Center. Adjacent owners are opposed, though, to having the truck traffic on the site and the use's prominence as the anchor. While it would probably not have a negative impact on the nearby residential uses because of the separation of its activities from the residential community, its location at the main entrance from Broadway, the truck traffic, and its low customer traffic generation would impact the commercial uses and change the retail image of the Center. Self-Storage in itself is allowed in a C-1 zone on sites less than 3 acres in size, but such a use does not generate necessary traffic volumes, and most shopping center developers would probably locate such a use somewhere on site further away from the anchor. The *PEAP* guideline calling for proposed uses to integrate with adjacent commercial uses is not realized here.

It was clear at the Hearing that regardless of the conversations held prior to the hearing between the applicant and adjacent property owners, both still strongly disagree with each other, and no resolution to their differences was evident.

Pedestrian Access/Circulation – The site is not located along a trail system. Public sidewalks along the site's frontages on Broadway and Camino Seco will provide pedestrian access to the site.

Vehicular Access/Circulation – Vehicular access to the rezoning site is proposed from both Camino Seco and Broadway Boulevard identified as arterial roadways with future rights-of-way of 150 and 120 feet respectively on the Major Streets and Routes Plan map. As stated previously, the Pima Association of Governments - Transportation Planning Division estimates that the proposed development will generate 132 vehicle trips per day. The applicant indicated that rental vehicles and equipment leaving the rezoning site will be directed onto Broadway Boulevard from the site to reduce impacts to Camino Seco and to mitigate any negative impacts to adjoining commercial business and area residents

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CONCLUSION

While the rezoning may comply in principal with *Plan Tucson*, it does not comply with the *Pantano East Area Plan* and is, therefore, not an appropriate use on this site.

RECOMMENDATION

The Zoning Examiner recommends denial of C-2 zoning. Recommended conditions to approval are attached.

Respectfully Submitted,



Thomas Sayler-Brown, AIA, NCARB
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Zoning Examiner Conditions