



# Zoning Examiner

## REPORT TO MAYOR AND COUNCIL

July 14, 2020

**Subject:** C9-20-04 4D Properties – Campbell Benson R-1, MH-1 & C-2 to OCR-1 (Ward 5)

**Public Hearing:** June 30, 2020

### **BACKGROUND**

This is a request by Brian Underwood of The Planning Center, on behalf of the property owners, 4-D Properties, LLC, to rezone approximately 23 acres from R-1, MH-1, and C-2 to OCR-1 zoning. The rezoning site is located east of Kino Parkway, south of Kino Sports Complex between Benson Highway and the Julian Wash, approximately one-half mile south of Interstate 10 (see Case Location Map). The preliminary development plan proposes a mixed-use activity center with a sports and tourism focus including retail, restaurants, entertainment, and hospitality. The project will also feature an indoor sports practice facility and outdoor event space to complement the Kino Sports Complex and future facilities for regional sports tournaments.

### **PUBLIC HEARING SUMMARY**

#### **June 30, 2020 Zoning Examiner Hearing**

The Applicant's representative and the Applicant spoke in support of the requested rezoning. Two representatives of a sign review committee spoke in support of the condition proposed by PDSD requiring the removal of two billboards on the property and the Applicant's representative stated that the Applicant agrees with that condition, and with the other conditions proposed by PDSD.

As of the date of the June 30, 2020 public hearing, there were eight (8) written approvals and no (0) written protests.



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## **FINDINGS OF FACT**

### **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.

Existing: Mobile Home Zone (MH-1) – This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreational, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Existing: 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: Office/Commercial/Residential Zone (OCR-1) – The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. High-density residential and including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

### Surrounding Zones and Land Uses:

North: Zoned R-1 & PAD-18; Julian Wash, & Kino Sports Complex

South: Zoned C-2; Mixed-Commercial (Lodging, Retail, Construction, Medical Marijuana Dispensary, etc.)



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East: Zoned R-1, MH-1; Julian Wash, & Manufactured Homes

West: Zoned C-2; Mixed-Commercial (Lodging, Construction, Medical Marijuana Dispensary, etc.)

## Planning Considerations

Land use policy direction for this area is provided by the *Kino Area Plan* and *Plan Tucson*. The rezoning site is located within both the Neighborhoods with Greater Infill Potential and the Mixed-Use Corridors building blocks as identified on the Future Growth Scenario Map of *Plan Tucson*. Neighborhoods with Greater Infill Potential are residential neighborhoods and commercial districts for which there is potential for new development and redevelopment in the next several decades. Mixed-Use Corridors provide a higher-intensity mix of jobs, services and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities.

*Plan Tucson* supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential 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 rezoning site is located within *Kino Area Plan* Commercial Site 7. Site 7 policies support a mix of commercial, office, and residential uses along the northeast side of Benson Highway between Ajo Way and Irvington Road, and along Kino Parkway between I-10 and Benson Highway. 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.



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## Design Considerations

Land Use Compatibility – *Plan Tucson* emphasizes design compatibility of new projects with adjacent land uses. The applicant is proposing a variety of commercial land uses. This type of development on existing vacant land meets the infill and mixed-used goals for the area outlined in *Plan Tucson*. Proposed uses include, travelers accommodations/lodging, retail commercial, restaurants, and sports facilities, with building heights ranging from maximums of 30 feet for retail and restaurant uses, approximately 50 feet for sports and entertainment facilities, and between 90 and 110 feet for hospitality/hotel uses.

Immediately to the south of the rezoning site and along Benson Highway are commercial uses, zoned C-2. To the north and east of the site are the Julian Wash corridor, zoned R-1 and the Kino Campus PAD which is currently vacant undeveloped land, zoned PAD-18. A minimum 58-foot setback is proposed from the edge of Julian Wash for all structures. There are manufactured homes, zoned MH-1 directly across the Tucson Boulevard alignment near the southeast edge of the rezoning site. West of the site across Kino Parkway/Campbell Avenue, are mixed commercial uses, zoned C-2. Directly to the east of the site are multi-family uses, zoned R-3, with an R-1 zoned City park just beyond.

Road Improvements/Vehicular Access/Pedestrian Circulation – According to the Preliminary Development Plan (PDP) dated March 10, 2020, direct vehicular ingress/egress to the rezoning site will be by way of four points along Benson Highway, including a main access point to the Kino South Sports Complex. The northernmost access driveway along Kino Parkway will be limited to right-in/right-out only due to an existing median in Swan Road. Three of the four access points from Benson Highway will be right-in/right-out only, but the main sports complex entrance will have access to and from both directions on Benson Highway with the presence of an existing median opening.

Both Kino Parkway/Campbell Avenue and Benson Highway are classified as arterial Gateway Routes on the *Major Streets and Routes Plan (MS&RP)*, with both having a planned right-of-way of 150 feet. Tucson Boulevard, to the south and east of the rezoning site is also designated as a Gateway arterial route on the *MS&RP*, with a right-of-way of 120 feet.

A traffic impact statement was conducted in December 2019 and January 2020. Suggested improvements included increased turn lane storage and traffic signal phasing to provide greater left turn capacity, and completion of the main west end driveway for the Kino South Sports Complex, located at the median opening in Kino Parkway north of the rezoning site.



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The traffic impact statement states that the proposed development is anticipated to generate 10,409 net new vehicle trips.

## **Conclusion**

The proposed rezoning of the site from R-1, MH-1, & C-2 to OCR-1 is suitable for this location, and is in compliance with the *Kino Area Plan* and *Plan Tucson*. Subject to compliance with the preliminary conditions proposed by PDSD, approval of the requested OCR-1 zoning is appropriate.

## **Recommendation**

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

Sincerely,

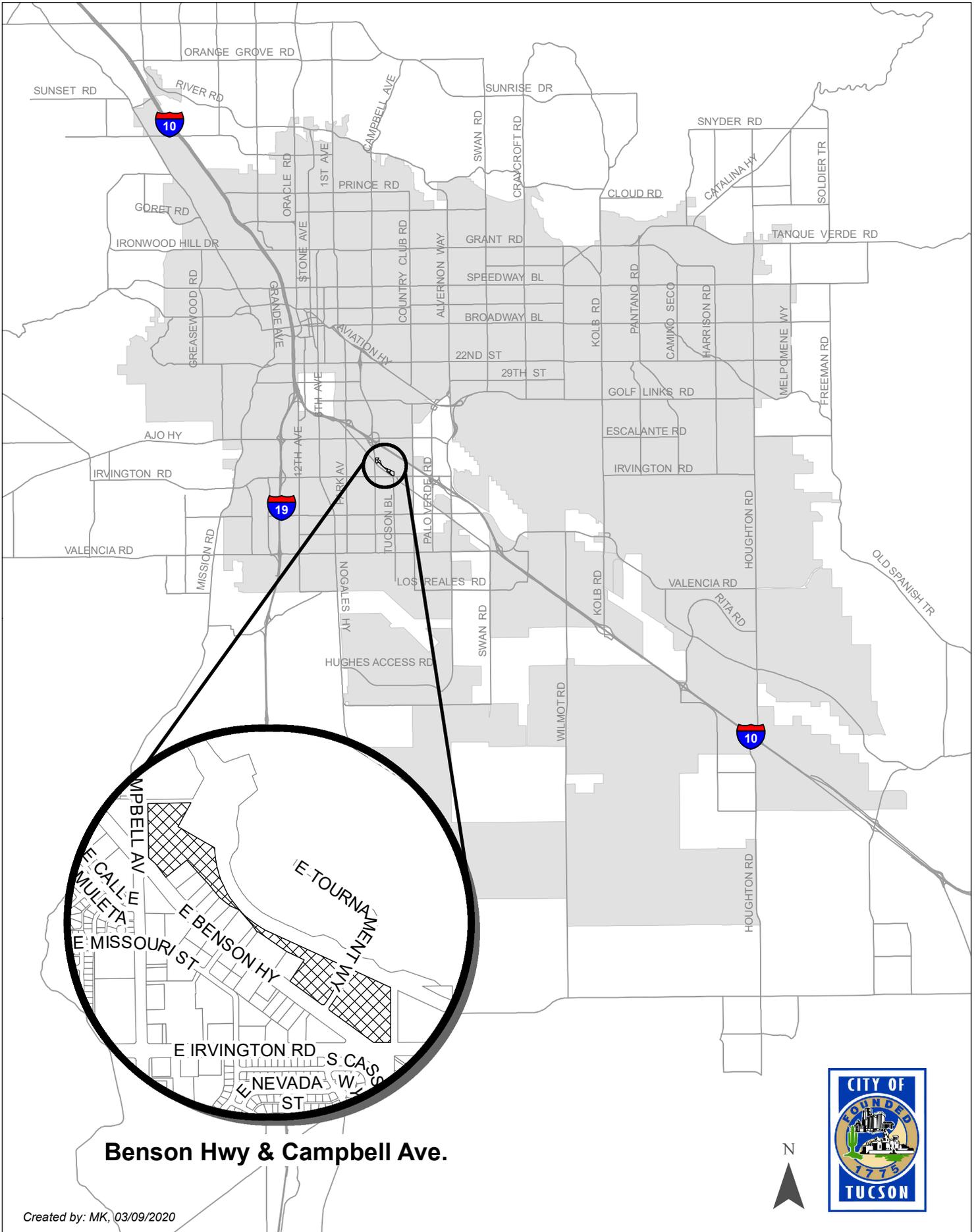
John Iurino  
Zoning Examiner

## **ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
Public Hearing Minutes

cc: Mayor and Council

**C9-20-04 4-D Properties - Campbell/Benson**  
Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



**Benson Hwy & Campbell Ave.**

Created by: MK, 03/09/2020

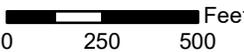
**C9-20-04 4-D Properties - Campbell/Benson**  
Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



 Area of Rezoning: R-1, MH-1, & C-2 to OCR-1

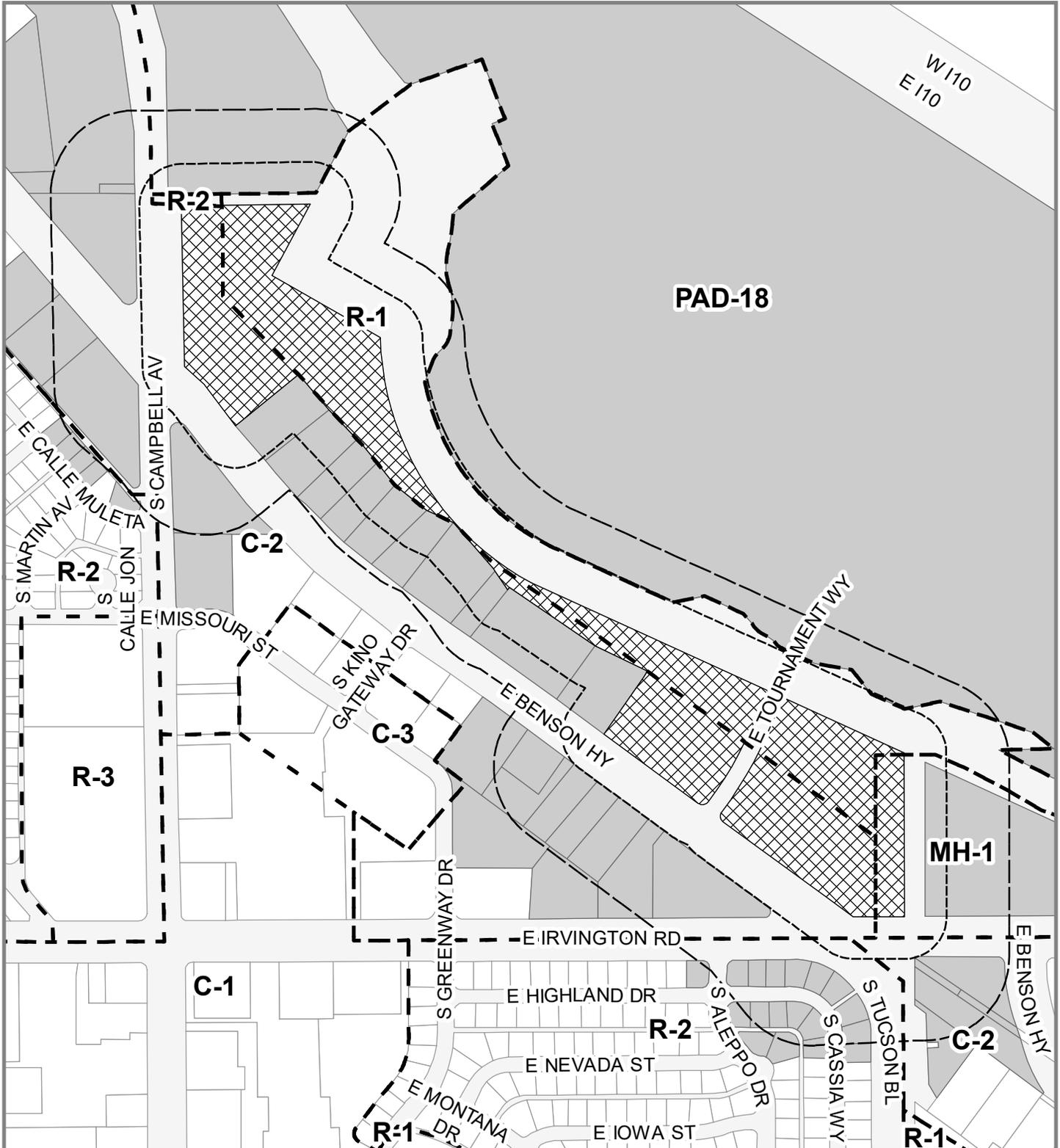
Address: Benson Hwy & Campbell Ave.  
Base Maps: Twp.14S Range 14E Sec. 32  
Ward: 5



  
0 250 500 Feet  
1 inch = 500 feet

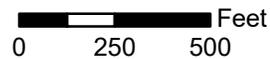


**C9-20-04 4-D Properties - Campbell/Benson**  
 Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



-  Area of Rezoning: R-1, MH-1, & C-2 to OCR-1
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: Benson Hwy & Campbell Ave.  
 Base Maps: Twp.14S Range 14E Sec. 32  
 Ward: 5



1 inch = 500 feet



ZONING MEMBERS PRESENT:

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

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1                   ZONING EXAMINER: The next case is Case: C9-20-04 4-D  
2 Properties, Campbell-Benson. Mr. Beall?

3                   MR. BEALL: Okay. This is a request by Brian Underwood of  
4 the Planning Center on behalf of the property owners, 4-D Properties  
5 LLC, to rezone approximately 23 acres from R-1, MH-1 and C-2 to OCR  
6 (sic) zoning.

7                   The rezoning site is located east of Kino Parkway, south of  
8 Kino Sports Complex between Benson Highway and the Julian Wash,  
9 approximately one-half mile south of Interstate 10.

10                  The Preliminary Development Plan proposes a mixed-use  
11 activity center with a sports and tourism focus, including retail,  
12 restaurants, entertainment and hospitality. The project will also  
13 feature an indoor sports practice facility and outdoor event space to  
14 complement the Kino Sports Complex and future facilities regional  
15 sports tournaments. The site is comprised of vacant land except for  
16 two existing billboards.

17                  Okay. Field Inspection Staff indicates there are two  
18 existing billboards on the site. One is located just north of the  
19 intersection of Benson Highway and Irvington Road, and other just east  
20 of, of the Parcel 132-19-0120. These billboards will be required to  
21 be removed prior to effectuation of the rezoning.

1           Future development must be in be in substantial conformance  
2 with the Preliminary Development Plan that was submitted. Minor  
3 changes may be considered. Major changes will require an amendment  
4 approved by Mayor and Council.

5           The proposed rezoning of the site from R-1, MH-1 and C-2 to  
6 OCR-1 is suitable for this location, and it is in compliance with the  
7 Kino Area Plan and Plan Tucson. Subject to compliance with the  
8 attached Preliminary Conditions, approval of the requested OCR-1  
9 zoning is appropriate.

10           As of today's date, there have been eight approvals, zero  
11 protests. We also received a letter from the Billboard Review  
12 Committee, a letter approval, that as long as it was consistent with  
13 Condition 8, the billboard removal. That concludes Staff's report.

14           ZONING EXAMINER: Thank you, Mr. Beall. Mr. Underwood,  
15 would you like to speak?

16           MR. UNDERWOOD: Good evening, Mr. Iurino. My name is Brian  
17 Underwood with the Planning Center, 2 East Congress in Tucson. I'm  
18 also joined this evening by Pat DeConcini with 4-D Properties, the  
19 property owner.

20           And I don't have a presentation this evening. I just  
21 wanted to say that we've been working with Pat to, to rezone this  
22 property, and everyone throughout this process has, has been terrific.  
23 We've received quite a bit of support as, as Mr. Beall mentioned. And  
24 we're excited and honored to be working on this project.

1           We're looking forward to, you know, seeing what, what Pima  
2 County has planned for the remainder of, of Kino South. And, and we  
3 are, we are just elated to be working on this project and, and open to  
4 any questions that anyone may have.

5           ZONING EXAMINER: Thank you, Mr. Underwood. We had a, an  
6 e-mail from Mr. Mark Mayer. Mr. Mayer, are you present and would you  
7 like to speak?

8           MR. DAVIS: This is Brent Davis. I'll be speaking on  
9 behalf of (inaudible)

10          MR. MAYER: Yes, I'm, I'm present.

11          MR. DAVIS: Oh, he's here, too. I didn't realize you were  
12 here, Mark. Go ahead.

13          ZONING EXAMINER: All right. Thank you. Mr. Mayer, would  
14 you start with your name and address for the record?

15          MR. MAYER: Yes. My name is Mark Mayer, and that's  
16 M-A-Y-E-R for the benefit of the transcript which got the name wrong  
17 last time. And I'm at 3361 East 23<sup>rd</sup> Street. And I'm here on behalf  
18 of the Billboard Review Committee. Brent Davis is also a member and  
19 he might want to speak a little bit more at length.

20          I'll, I'll just amplify that with the Preliminary Condition  
21 No. 8, we support that and as, as long as the Applicant is amenable to  
22 that condition, we're fine with rezoning.

23          ZONING EXAMINER: Thank you, Mr. Mayer. Mr. Davis, since  
24 your name was invoked, did you want to add anything to that?

1           MR. DAVIS: Yes. Sorry. Third time's a charm here. Brent  
2 Davis, 660 South Country Club Road, Tucson, 85716. Also speaking on  
3 behalf of the Billboard Review Committee, we are pleased that Item 8  
4 is included in the conditions for the rezoning. We support the  
5 rezoning as long as Item 8 is followed.

6           And I particularly want to say that we've, we've come a  
7 long way on these kinds of things when we're now offering two  
8 alternatives for the billboards to be removed. One is when the  
9 rezoning commences, or the development condenses (sic), commences, or  
10 two years, whichever is first. And we like that phraseology and  
11 support it and we would support this rezoning.

12           ZONING EXAMINER: Thank you, Mr. Davis. Would anyone else  
13 in the audience like to speak in on this matter?

14           MR. DeCONCINI: Hi. This is Mr. DeConcini. I'm calling in  
15 and I did hear the oath and I said, "I do." And I'd like to make a  
16 few comments if possible.

17           ZONING EXAMINER: Yes, please. And just start again with  
18 your first and last name and your address, please.

19           MR. DeCONCINI: Yes, sir. This Patrick DeConcini, and my  
20 address is 501 South Via Esperanza, Tucson, Arizona, 85716.

21           ZONING EXAMINER: Thank you.

22           MR. DeCONCINI: And I'd just like, and I'd just like to say  
23 thank you to everybody involved. We're excited about this project and  
24 we're looking forward to working with the County, hoping to develop

1 our land in a manner that brings the entire area together so that  
2 things look like it was planned and not kind of patchwork.

3 So, we're, we're enthusiastic about this and looking  
4 forward to, to, to commencing the plan. Thank you for your  
5 consideration. Over.

6 ZONING EXAMINER: Thank you, Mr. DeConcini. Would anyone  
7 else in the audience like to speak? Hearing no one, Mr. Underwood, is  
8 the Applicant agreeable to the conditions, including Condition 8?

9 MR. UNDERWOOD: Yes, we are, Mr. Iurino.

10 ZONING EXAMINER: Well, thank you. That concludes hearing  
11 - the hearing on Case: C9-20-04. And that concludes tonight's  
12 hearing. And I want to thank everyone who came and all of you have a  
13 great evening. Thank you.

14 MR. UNDERWOOD: Thank you. You, too. Bye.

15 (Case: C9-02-04 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: 07/09/2020

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