



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

PRELIMINARY REPORT

August 8, 2019

Corky Poster
Poster Frost Mirto, Inc.
317 North Court Avenue
Tucson, AZ 85701

**SUBJECT: C9-19-06 Benedictine Monastery PAD – Country Club Road
O-3 and R-3 to PAD zone (Ward 6)
Public Hearing: August 1, 2019**

Dear Mr. Poster:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-19-06 Benedictine Monastery PAD – Country Club Road O-3 and R-3 to PAD zone (Ward 6).

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Corky Poster, of Poster Frost Mirto, Inc., on behalf of the property owner, Tucson Monastery, LLC, to rezone approximately 6.89 acres from O-3 and R-3 to PAD zoning. The rezoning site is located at 800 North Country Club Road, approximately 771 feet south of Speedway Boulevard (see Case Location Map). The proposed project is an adaptive re-use of the Benedictine Monastery site which would include rehabilitating and repurposing the monastery building with commercial and multi-family residential uses, as well as new construction of multi-family residential and a parking garage. The new construction would have varied building heights ranging from 35-feet, 45-feet and 55-feet. The PAD will include a Historic Landmark designation for the Benedictine Monastery.

Zoning Descriptions

Existing Zoning

Office Zone (O-3) – Professional and semiprofessional office, high density residential developments, and limited research and development uses permitted.

Residence Zone (R-3) – This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Proposed Zoning

Planned Area Development (PAD) – The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and polices.

Historic Landmark (HL) – The PAD will include Historic Landmark designation for the Benedictine Monastery (HL area specifically dimensioned) that imposes standards and procedures that are in addition to those required under the PAD zoning standards.

Surrounding Zones and Land Uses

North: Zoned O-3 and C-1; Administrative and Professional Office; General Merchandise Sales

South: Zoned O-3; Administrative and Professional Office
East: Zoned R-3 and R-2; Residential
West: Zoned R-1; Residential

Planning Considerations

Land use policy direction for this area is provided by *Plan Tucson, Alvernon-Broadway Area Plan* and *Miramonte Neighborhood Plan*.

Plan Tucson – *Plan Tucson* supports maintaining the character of existing neighborhoods, while accommodating some new development and redevelopment, and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. It supports adaptive reuse of historic landmarks and the preservation of Tucson’s historic architecture. *Plan Tucson* supports high density residential and commercial development along arterials. It supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adheres to relevant site and architectural design guidelines. It encourages special zoning districts, such as Planned Area Developments (PAD) or overlay districts, as a way to promote the reuse of historic structures or sites, foster mixed-use activity nodes and pedestrian and multi-modal oriented development areas.

Alvernon-Broadway Area Plan - The *Alvernon-Broadway Area Plan (ABAP)* general goals are to identify appropriate locations for new development, and to protect and preserve the integrity of established residential, low-density neighborhoods. The *ABAP* identifies the rezoning site for commercial-neighborhood level, office, and high density residential land uses. The *ABAP* defines neighborhood-level commercial as commercial uses intended primarily to serve a local neighborhood market, for example those uses allowed in the City’s C-1 zone. It states that high density residential uses are generally appropriate along arterial streets, with residential development that is sensitively designed to enhance existing lands uses by compatibility of scale, density, and character with existing development. Nonresidential uses are intended to be at locations that are most suited to handle the intensity of such uses in terms of traffic generation and other potential impacts on adjacent residential uses. Nonresidential uses should be along arterials, with all parking needs met onsite. Screening and buffering for adjacent residential uses must be provided on-site. The *ABAP* suggests providing setbacks and a transition of heights and/or densities for proposed development which is adjacent to less intense uses, unless other mitigation measures provide

adequate buffering. It calls for a transition of building heights downward from the arterial street frontage along Country Club Road towards adjacent residential uses to be compatible with adjacent buildings. The *ABAP* calls for minimizing traffic impacts of Country Club Road on surrounding neighborhoods and encouraging the enhancement of the visual streetscape along Country Club Road.

Miramonte Neighborhood Plan - The *Miramonte Neighborhood Plan (MNP)* and the *ABAP* were amended December 18, 2018 (Resolution 22976) to allow for adaptive re-use of the Benedictine Monastery site. The amended Conceptual Land Use map identifies the amendment site for commercial-neighborhood level, office, and high density residential. *MNP* - Policy 2.4 calls for the preservation and reuse of the Benedictine Monastery site. This section of the *MNP* encourages the preservation of the Benedictine Monastery through an Historic Landmark designation process. It allows a maximum height of 55-feet, but with step downs towards Country Club Road, with architectural style of new development to be compatible with the monastery and the overall design character of the adjacent neighborhoods. It allows 250 new construction residential units, and additional residential units allowed in the monastery above that total amount, with no limit to the number of potential residential units to be located inside the existing monastery. The amendment required that an advisory committee with neighborhood representation be formed during the PAD rezoning process to ensure neighborhood input and feedback throughout the design and PAD rezoning. *MNP*, Section 2.4.6 calls out the terms of an agreement made during the plan amendment process as binding conditions within the PAD document.

The *MNP* calls for preserving the character of the neighborhood by ensuring that future land uses make a positive contribution to the neighborhood through such elements as an increase in home ownership in both low and high density development; a diverse mix of land uses that contribute to the traditional character of the neighborhood; carefully designed transitions between land uses; functional open space in all residential zones; green and sustainable development; and the use of native and/or drought tolerant plant materials.

The *MNP* supports the preservation and economic sustainability of the Benedictine Monastery as an important historic site, including preservation of the landscape buffering. The *MNP* calls for creating transitions between residential and commercial areas. It encourages that high density housing step down heights and densities to the property edge and extensive use of landscape plant materials and screening to buffer the edges of higher density residential development.

PAD Zoning Standards

The Benedictine Monastery PAD utilizes the basic parameters of the C-1 zone, with the PAD consisting of a single modified zoning district with specifically crafted development regulations and guidelines for the property in its entirety. Only the permitted land uses specified in the PAD and the historic designation documents are permitted within the PAD (See Part 3.B Permitted Uses, A, page 56-58). It should be noted that land uses such as Group Dwelling, Large Bar, and Large Dance Hall are not permitted. The PAD does not allow for personal storage except for tenants of the property. The PAD proposes 253 new construction residential units, 35 rehab residential units within the monastery, and approximately 20,000 square feet of commercial uses. The concept plan shows commercial uses located within the monastery building and at the northwest portion of the site along Country Club Road (see Exhibit 3A, page 53). The proposed residential parking requirements are 1.08 spaces per residential units; non-residential parking at 1 space for each 400 square feet of non-residential space (see Part 3.C Development Standards, 8, page 61). The garage is currently planned for four levels and 216-230 vehicles, with an additional 140-160 surface parking spaces currently planned. The proposed parking garage will have a maximum building height of 55-feet. Buildings fronting on Country Club Road, excluding the Benedictine Monastery building and the parking garage, will have a maximum building height of 35-feet. Buildings along Anderson Boulevard are proposed to have a maximum building height of 45-feet. All other structures will have a maximum building height of 55-feet (See Exhibits 3B and 3C, pages 63-64).

The Benedictine Monastery PAD includes in Appendix A a copy of the December 18, 2018 plan amendment (Resolution 22976) to both the *Alvernon-Broadway Area Plan* and the *Miramonte Neighborhood Plan* that provided for adaptive re-use of the Benedictine Monastery. Appendix A also includes a table that outlines how the implementation of these Plans is being addressed within the PAD document, citing both amendment language and conditions and then relating them to the corresponding sections within the PAD.

Transportation Standards

Country Club Road is identified as an arterial road on the City's Major Streets and Routes Map. The applicant's Traffic Impact Study indicates that at full build-out, the proposed development is expected to generate a total of 2,536 daily trips, 211

AM Peak Hour trips, and 230 PM Peak Hour trips. The mode traffic split is estimated at 60% autos, 25% bicyclists, and 15% pedestrian/transit users.

In lieu of the standard dedication of right-of-way according to the City of Tucson Major Streets and Routes, the PAD contains language agreed upon by both the City of Tucson Department of Transportation and the developer in which the developer covenants and agrees to control this strip of right-of-way, but will transfer it at no cost to the City of Tucson in the event of a future widening of Country Club (See Part 3, page 55). There are two primary access points along Country Club Road with one access point on 2nd Street. No primary access will be allowed along the east side of the property along Anderson Boulevard; however, there will be one controlled service access point not available to project residents (See Exhibit 3D, page 65). A two-way left turn lane along Country Club Road will be designed and constructed by the developer, including addition of new 5-foot sidewalks along the property on local streets, with a 6-foot sidewalk along Country Club Road (see Exhibit 3E, page 66).

PAD Historic Landmark Standards

The boundary of the Historic Landmark area within the PAD encompasses 51,501 square feet of the total 6.89 acre PAD site. Part 3, D, Historic Landmark Standards outlines the design guidelines for the exterior of the Benedictine Monastery based on the Secretary of the Interior Standards for the treatment of Historic Properties. This section includes a Historic Landmark development standards table. Part 3, Section F outlines the design review process for the HL with a full review by the Tucson-Pima County Historical Commission, Plans Review Subcommittee required for any project involving a building permit or modification of the exterior appearance of the monastery.

The PAD document outlines that Secretary of the Interior Standards for new construction adjacent to Historic Structures will provide the following limited guideline: new additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. The developer's proposal accomplishes this by the following:

- The massing and heights of the new construction reflect those of the Monastery.
- The 55' height matches the Chapel facade.

- The lower level arcade on the Country Club north facade recalls the arcade porch of the Monastery.
- The heavy chocolate brown lower level of the new work matches the Roy Place poured stone columns and Chapel entry.
- Like the Monastery, the upper level stucco lightens the massing. The upper-most levels further lighten with a glass and metal finish.
- The proposed new construction is contemporary, having "its own time and place." But the design is carefully organized to be respectful of Roy Place's legacy.

August 1, 2019 Zoning Examiner Hearing

The Applicant's representative spoke in support of the proposed rezoning. A representative of the Miramonte Neighborhood Association spoke in opposition to the 45' height of the proposed buildings on the east side of the development along Anderson Boulevard. The speaker testified that this height was inconsistent with the *Miramonte Neighborhood Plan*, which provides for "carefully designed transitions between land uses" and "encourage[s] developers of higher density housing to step down heights and densities to the property edges." *Miramonte Neighborhood Plan*, Policy 1.1; Policy 3.2, Strategy 3.2.1. Another speaker testified that it was unfair for the building heights on the east side of the proposed development, adjacent to the Miramonte neighborhood, to be higher than the building heights on the west side of the proposed development, along Country Club Road.

As of the date of the Zoning Examiner's hearing, there were two (2) written approvals and three (3) written protests.

Conclusion – The request to rezone the site to PAD zoning is consistent with *Plan Tucson*, the *Alvernon-Broadway Area Plan*, and the *Miramonte Neighborhood Plan*, which recognize this site as appropriate for an adaptive reuse project of the Benedictine Monastery site, with a mixed-use project consisting of residential, office and commercial/retail uses.

There is, however, a conflict among some of the policy goals and strategies within the *Miramonte Neighborhood Plan* in the context of the proposed development. The December 18, 2018 Plan Amendment specifies that "residential heights [be] based on the careful design of the project, allowing heights to 55' (as defined by

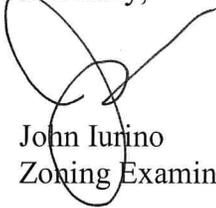
Section 6.4.4 of the Unified Development Code), but with step downs toward Country Club Road.” *MNP* Policy 2.4, Strategy 2.4.3 (amended December 18, 2018). The December 18, 2018 Plan Amendment does not require a similar step down toward Anderson Boulevard and the Miramonte neighborhood. However, the December 18, 2018 Plan Amendment did not alter *MNP* Policy 3.2, Strategy 3.2.1, which “encourage[s] developers of higher density housing to step down heights and densities to property edges.” It would appear that Strategy 3.2.1 would counsel stepping down the heights of the buildings adjacent to Anderson Boulevard.

Under Arizona law, zoning must be consistent with adopted land use plans. However, basic harmony with the entire land use plan, not exact conformity with each element, is what is required. *Haines v. City of Phoenix*, 151 Ariz. 286 (1986). Judged by this standard, the proposed PAD is consistent with the *MNP*.

RECOMMENDATION

The Zoning Examiner recommends approval of the requested rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "John Iurino", written over a circular stamp or seal.

John Iurino
Zoning Examiner

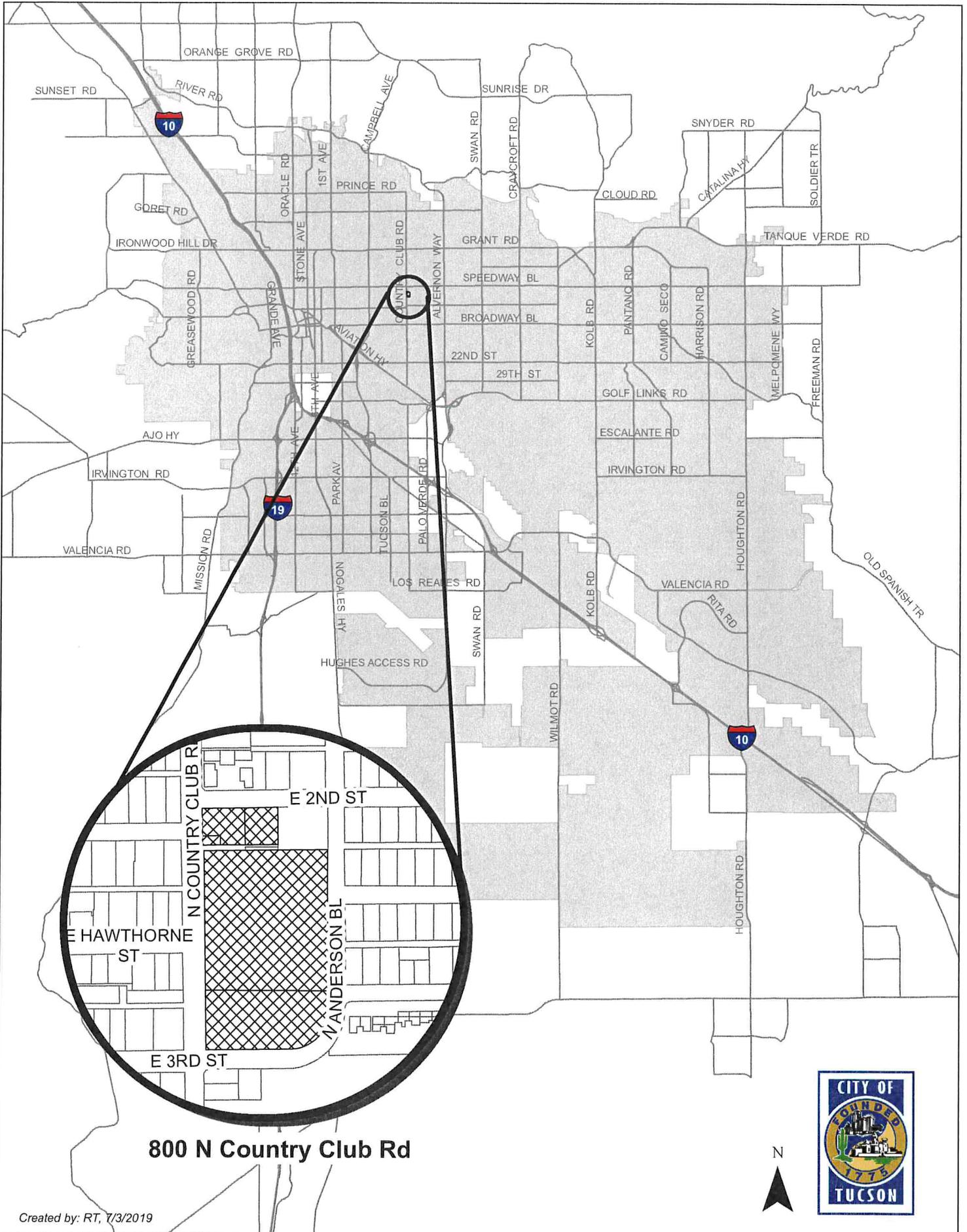
ATTACHMENTS:

Case Location Map
Rezoning Case Map

cc: City of Tucson Mayor and Council

C9-19-06 -Benedictine Monastery

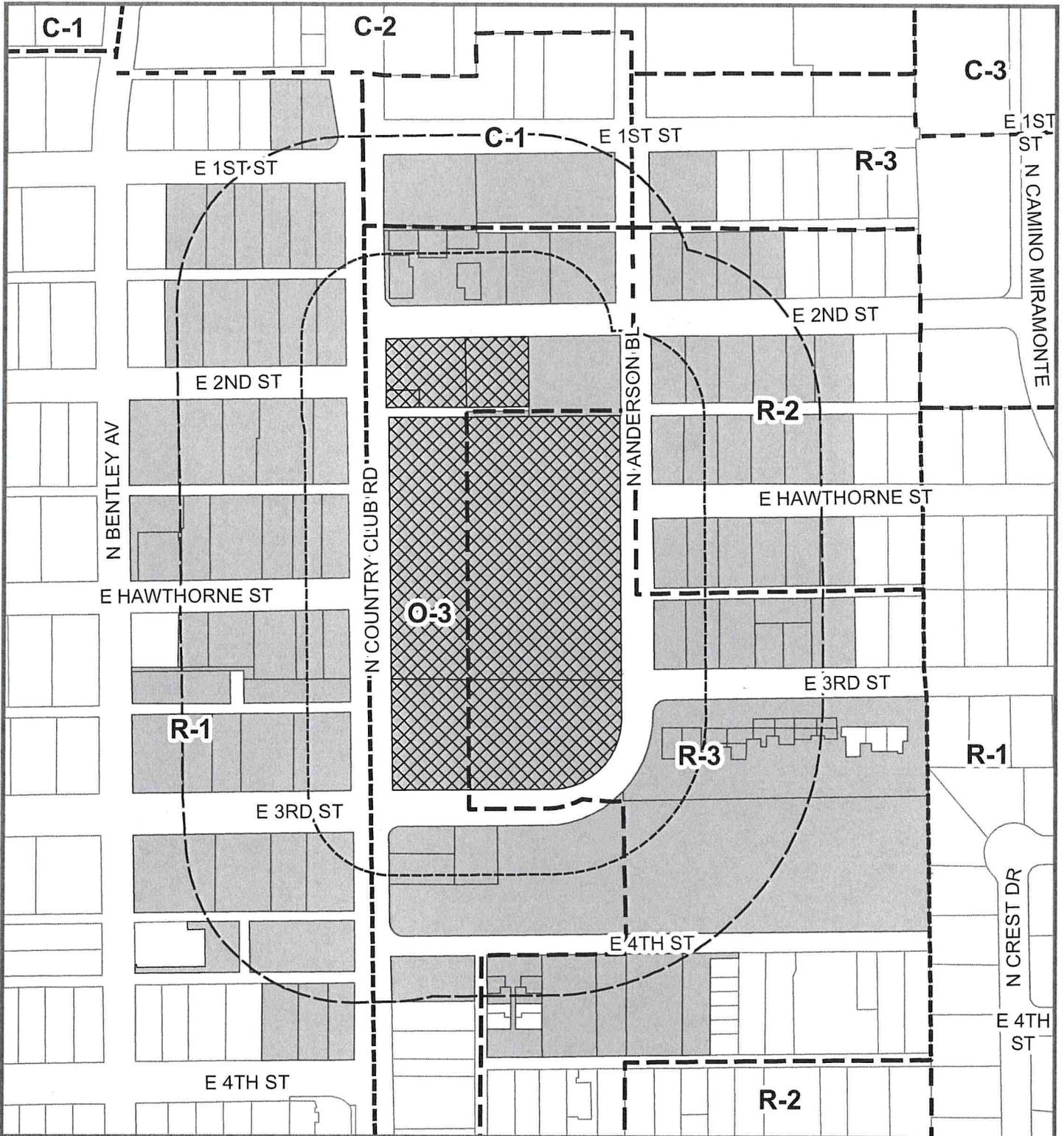
Rezoning Request: From O-3/R-3 to PAD



800 N Country Club Rd



C9-19-06 -Benedictine Monastery
 Rezoning Request: From O-3/R-3 to PAD



-  Area of Rezoning: O-3/R-3 to PAD
-  Protest Area (150 ft. radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 800 N Country Club Rd.
 Base Maps: Twp.14S Range 14E Sec. 9
 Ward: 6

