



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

C9-17-05 North Campbell, LLC – Glenn Street  
R-2 to C-1 Zoning

### BACKGROUND

This is a request by Tanya Washington of Presidio Engineering, Inc., on behalf of the property owners, North Campbell, LLC, to rezone approximately 0.17 acre from R-2 to C-1 zoning. The intended use of the rezoning site is parking for a Starbucks Coffee shop. The rezoning site is on the west portion of a site that currently has R-2 on the west portion of the site and C-1 zoning to the east. The proposed rezoning site will be combined with a C-1-zoned parcel that has a vacant food service use at the northwest corner of Campbell Avenue and Glenn Street. The preliminary development plan proposes a 2,800 square foot food service use (restaurant) with alcoholic beverage service, a drive-thru, and parking.

Land use policy direction for this area is provided by the *Cragin-Keeling Area Plan (CKAP)*, and *Plan Tucson (PT)*

### PUBLIC HEARING SUMMARY (Minutes Attached)

At the June 8, 2017 Zoning Examiner's Public Hearing, staff reported nine written approvals and no written protests. Besides the applicant and the property owner, there was one speaker who maintained a neutral position (neither for nor against the rezoning) but who expressed concerns.

The applicant said that they are going for early ordinance approval, and the Planning Department had already noted the errors, and they have been corrected on the Development Package. The Zoning Examiner then asked about the stacking for the drive-thru. The applicant said that they were very aware of the problems, and they worked closely with the City to provide more than adequate drive-thru stacking.

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

The owner then spoke and noted that the rezoning site is already used for parking as it will be with the redevelopment, and he assured that there is plenty of stacking space for the drive-thru.

The next speaker noted that two nearby restaurants, Prep and Pastry and Coffee Exchange, are under-parked, and that their patrons' parking spills over into the surrounding neighborhood. She expressed concern about this project's parking overflowing and the additional pressure it would place on the neighborhood.

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Rezoning: R-2 to C-1**

The owner responded that the applicant held two neighborhood meetings, and the neighbors were supportive of the project. The ZE confirmed that the applicant did work with staff to address the stacking and parking and that both were satisfied.

**FINDINGS OF FACT**

*Existing Land Use and General Location*

The rezoning site is the west portion of a lot zoned both C-1 and R-2. This west portion is currently used for parking for a catering service and residential rental units located on the east portion of the site. To the north, south, and east are C-1 commercial uses, and to the west is R-2 zoning with high-density residential uses.

*Land Use Plans*

*Plan Tucson* identifies the rezoning site as a Mixed-Use Corridor which is defined as a corridor that contains a higher-intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors are served by a mix of transit options, as well as pedestrian and bicycle facilities.

*CKAP* policy goals and guidelines are to preserve, protect and enhance the quality of life in residential areas. The Plan requires the implementation of appropriate design elements and buffering techniques during the rezoning and associated development to ensure the sensitive design of new development in established neighborhoods as outlined in the General Design Guidelines. *CKAP* requires all parking and vehicle maneuvering to be located on site. *CKAP* considers the expansion of remaining commercial areas into adjoining residential areas when logical boundaries such as existing alleys can be established, and the abutting residential can be appropriately buffered per the plan's General Design Guidelines. Commercial development can be supported when primary access is provided to an arterial street.

Campbell Avenue is identified as an arterial gateway route on the *Major Streets and Routes Plan (MS&R)* map. Glenn Street is classified as a collector street. The proposed *MS&R* right-of-way for Campbell is a 120-foot cross section, and the proposed right-of-way for Glenn is 64 feet

*Site Plan Considerations*

Site Design Features - The applicant has met neighborhood representatives twice regarding the rezoning request. The preliminary development package (*PDP*) indicates a 2,800 square foot commercial food service building with a single drive-through lane and window service. Appropriate parking and landscaping will be provided, and the project will meet Unified Development Code (*UDC*) guidelines. The proposed building will be one story with a maximum height of 23 feet.

The nearest residential units are the condominiums located approximately 60 feet to the west across an access drive from Glenn Street to the financial institution located north of the

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rezoning site. Substantial buffer yard setbacks, proposed landscaping within the parking lot, and existing hedges and shrubbery along the western property line mitigate for light intrusion in this area.

The project is being developed in accordance with an *MS&R* use modification waiver. This waiver allows for the development of a drive-through lane, as well as landscaping and water harvesting within the right-of-way along Campbell Avenue and Glenn Street.

The applicant proposed existing mature on-site vegetation along the western and northwestern portions of the site to be maintained as part of a landscape buffering and additional drought-tolerant landscaping and native trees will be planted to meet UDC standards. The development will be required to provide depressed water harvesting areas with hardscape surfaces draining towards these areas.

Pedestrian Access/Circulation – The site is not located along a trail system. Public sidewalks along the site’s frontages on Campbell and Glenn will provide pedestrian access to the site.

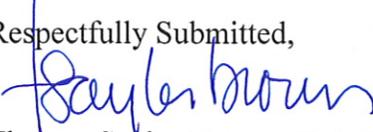
Vehicular Access/Circulation – Two vehicular ingress/egress driveways will be provided. The driveway providing access from Campbell Avenue will be limited to right-in/right-out access only, while the driveway on Glenn Street will serve both east and west directions. Adequate stacking space for the drive-thru has been designed regardless from which street the site is accessed.

**CONCLUSION**

The rezoning substantially complies with the associated land use plans, and the applicant has no exception to the Zoning Examiner rezoning conditions.

**RECOMMENDATION**

The Zoning Examiner recommends approval of C-1 zoning subject to the Zoning Examiner’s conditions.

Respectfully Submitted,  
  
Thomas Sayler-Brown, AIA, NCARB  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes  
Zoning Examiner Conditions

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner  
John Beall, Planning & Development Services  
Delma Sanchez, City Recording Clerk

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1           ZONING EXAMINER: Good evening. My name is Thomas Sayler-  
2 Brown, and I'm the Zoning Examiner for the City of Tucson. I conduct  
3 zoning hearings on behalf of the Mayor and City Council, and make  
4 findings of fact which I'll put in the report along with my  
5 recommendation, which I then send to the Mayor and Council.

6           My report will be based on the evidence submitted to me as  
7 part of a rezoning application, as well as on testimony taken tonight.  
8 I will also include in the record all documents submitted to my office  
9 up, up to this hearing.

10           A tape recording is being made of tonight's hearing by the  
11 City Clerk's Office, and if necessary, a transcript will be prepared.  
12 I'll prepare a final - I will prepare a preliminary report and a final  
13 report. After I close the hearing, I'll prepare a preliminary report  
14 within five working days. I'll prepare a final report two weeks after  
15 the close of the public hearing.

16           For those of you who wish to receive a copy of my  
17 preliminary report, and you are not already a principal listed in the  
18 case, please fill out the orange card that's up on the podium there.  
19 A copy of the final report will be available from the Planning &  
20 Development Services Department, and I'll send that report along to  
21 the Mayor and Council. They may consider my recommendation along with  
22 other factors, and they will base their vote on that.

1 Now at the start of the hearing, I'm gonna have John Beall,  
2 of the Planning & Development Services Department, give a presentation  
3 on the case. Mr. Beall is sitted (sic), seating (sic) here to, seated  
4 here to my right. After that, I'll hear from the Applicant.  
5 Following the Applicant, I'll ask for testimony from the public.

6 Since I cannot have any communication with any parties  
7 involved in the case, now is the time for you to speak. Now if you  
8 wish to speak tonight, wait for me to call you up to the podium, and  
9 then please make sure to print your name and address very clearly on  
10 the sign-in sheet which is up on the podium. I'll also ask you to  
11 announce your name and address for the record and for the Recording  
12 Clerk.

13 At this time, I'd like to swear in those wishing to speak  
14 this evening. Anyone who thinks there's a possibility that he or she  
15 will speak to me tonight, please stand for the oath and raise your  
16 right hand. Do you swear to tell the truth, the whole truth, and  
17 nothing but the truth?

18 (Affirmative.)

19 ZONING EXAMINER: Okay. Thank you. So, we have one case  
20 tonight. It's C9-17-05 North Campbell LLC-Glenn Street (Ward 3).  
21 Mr. Beall.

22 MR. BEALL: This is a request by Tanya Washington of  
23 Presidio Engineering, Inc., on behalf of the property owner, North  
24 Campbell LLC, to rezone approximately 0.17 acres from R-2 to C-1  
25 zoning.

1           The rezoning site is located on the north side of Glenn  
2 Street approximately 200 feet west of Campbell Avenue. The  
3 Preliminary Development Plan proposes a food service use restaurant  
4 with alcoholic beverage service as an accessory use at the northwest  
5 corner of Campbell Avenue and Glenn Street. The rezoning site  
6 immediately to the west of this corner is proposed as a parking area  
7 for the restaurant.

8           Land use policy direction for this area is provided by the  
9 Creighton-Keeling Area Plan and Plan Tucson. The Creighton-Keeling  
10 Area Plan promotes a consolidation of parcels with common property  
11 lines when developing non-residential uses to provide sufficient space  
12 for adequate buffering of adjacent less intense development.

13           The Creighton-Keeling Area Plan requires all parking and  
14 vehicular maneuvering to be located on-site. The site is located in  
15 an area classified as a mixed-use corridor on the City of Tucson  
16 Future Growth Scenario Map in Plan Tucson.

17           Mixed-use corridors are defined in Plan Tucson as corridors  
18 that contain a higher intensity mix of jobs, services and housing  
19 along major streets.

20           The Preliminary Development Plan proposes two ingress and  
21 egress driveways for the property. The driveway providing access from  
22 Campbell Avenue will be limited to right in-right out access only,  
23 while the driveway on Glenn Street will serve both east and west  
24 directions.

1 Campbell Avenue is classified as a arterial gateway street  
2 on the Major Streets and Routes Map with the proposed right-of-way  
3 width of 120 feet. Glenn Street is classified as a collector street  
4 with a proposed right-of-way with 64-feet on the MS&R Map.

5 The project is being developed in accordance with an MS&R  
6 use modification waiver which was approved December 27th, 2016. This  
7 waiver allows for the development of a drive-through lane as well as  
8 landscaping and water harvesting within the right-of-way along  
9 Campbell Avenue and Glenn Street.

10 The Creighton-Keeling Area Plan and Plan Tucson support the  
11 proposed rezoning subject to compliance with the attached Preliminary  
12 Conditions. Approval of the requested C-1 zoning is appropriate. As  
13 of to date, 06/08/17, we have nine approvals and zero protests.

14 ZONING EXAMINER: Okay. Thank you very much. So, who's  
15 gonna make a presentation to me? Yes, sir.

16 MR. WOOD: Want me to go ahead and sign in?

17 ZONING EXAMINER: Yeah. Please sign in and then, then  
18 we'll start.

19 MR. WOOD: Mr. Examiner, my name is John Wood with Presidio  
20 Engineering, 190 South Stratford, Suite 105, Tucson, Arizona, 85716.  
21 We are the Agent/Applicant representing the owner in this request.

22 We have read Staff's report and we find that we concur with  
23 it, as well as its Preliminary Conditions and recommendations.  
24 Consequently, we would respectfully request approval of the request to  
25 rezone the property from R-2 to C-1. I'm happy to answer any

1 questions. I don't know if you want me to go through the project, but  
2 I think that the Staff report did a good job of explaining what we're  
3 planning to do.

4 ZONING EXAMINER: Okay. I think, I think I'm okay with  
5 that. I just wanted to point out a couple of things that I saw.

6 MR. WOOD: Sure.

7 ZONING EXAMINER: You noted in your development package  
8 that you're providing van-accessible parking spaces. But your plan  
9 doesn't show van-accessible parking spaces.

10 MR. WOOD: Correct. And I would say that we are doing a  
11 direct ordinance option which is included in the -

12 ZONING EXAMINER: Right.

13 MR. WOOD: - Staff report. So, we've already submitted the  
14 PDSD, gotten a full set of comments.

15 ZONING EXAMINER: So, you've already been addressing that?

16 MR. WOOD: Correct. So, we've widened out that aisle, I  
17 think the 13 feet. So, it, it works as both a van and accessible -  
18 and regular aisle.

19 ZONING EXAMINER: And from what I could -

20 MR. WOOD: (Inaudible) feet.

21 ZONING EXAMINER: From what I could see, it didn't affect  
22 your parking, -

23 MR. WOOD: No. That's correct.

24 ZONING EXAMINER: - parking site.

1 MR. WOOD: And so, there's a whole bunch of comments that  
2 we have from them that we don't feel is gonna change the, the site  
3 plan appreciably. But we were counseled by PSDS not to make another  
4 submittal until we had gone through you -

5 ZONING EXAMINER: Right.

6 MR. WOOD: - to get whatever conditions you might -

7 ZONING EXAMINER: Right.

8 MR. WOOD: - recommend.

9 ZONING EXAMINER: And then there was another, there was a  
10 typo on the landscape plan. It showed the building area 2,000 feet.

11 MR. WOOD: Correct. And that was also pointed out -

12 ZONING EXAMINER: Okay.

13 MR. WOOD: - by PSDS. So, I appreciate you bring- --

14 ZONING EXAMINER: I, I think that probably (inaudible) was  
15 the most important one. That's the first one I saw -

16 MR. WOOD: Well, thank you for pointing those out.

17 ZONING EXAMINER: Okay. I was, I was curious about the  
18 stacking. You, you noted on your development package this is a  
19 Starbucks. I saw four or five cars shown in this stacking, but what,  
20 what have you actually allowed for?

21 MR. WOOD: Well, I, I think the regulations require for  
22 three stacking from the point of service.

23 ZONING EXAMINER: Right.

24 MR. WOOD: And so they've - this particular site plan shows  
25 five cars stacking outside the pedestrian access -

1 ZONING EXAMINER: Right.

2 MR. WOOD: - that's to the north. There's quite a bit of  
3 stacking that's available that wraps around the building to the east,  
4 and then also that wraps around into the parking lot to the west. To  
5 be honest with you, I haven't counted that out.

6 ZONING EXAMINER: Didn't (inaudible) it as many - okay.

7 MR. WOOD: Yeah.

8 ZONING EXAMINER: We, we have an issue with Starbucks  
9 sometimes with the stacking.

10 MR. WOOD: Correct. And I think this is a particularly  
11 good layout compared to some of the ones that I've seen that don't  
12 have that stacking.

13 ZONING EXAMINER: Okay. Very good. Thank you.

14 MR. WOOD: Thank you.

15 ZONING EXAMINER: Is there anybody else from the Applicant?  
16 Yes, sir.

17 MR. WONG: Mr. Sayler-Brown, Mr. Beall, my name is Jason  
18 Wong. That's W-O-N-G. My address is 3441 East Speedway, and I'm the  
19 Applicant. North Campbell LLC is my limited liability company.

20 I would like to request that you approve the rezoning of  
21 the R-2 property to C-1. It is a smaller portion of the property that  
22 is currently being used as parking, and for me to continue to use it  
23 as parking, the rezoning was required.

24 In regards to the stacking, we do have plenty of stacking  
25 in the parking lot drive aisle area. We are very aware of the issue

1 of the Starbucks at Broadway and Campbell. Same with the City. And  
2 when the City talked to us about this particular Starbucks, they made  
3 sure that we were aware of the issue and that we would resolve any  
4 potential stacking issue, which we have.

5 ZONING EXAMINER: Okay.

6 MR. WONG: So, I respectfully ask that you approve our  
7 rezoning. Do you have any questions I may answer?

8 ZONING EXAMINER: Not right now. Thank you.

9 MR. WONG: Okay. Thank you very much.

10 ZONING EXAMINER: Okay. Anybody else from the Applicant  
11 who wants to speak? Okay. Is there anyone here in favor of the  
12 rezoning who wants to speak? Anybody opposed? Anyone neutral? Okay.  
13 Come on up.

14 MS. POULOS: Thank you, Mr. Zoning Examiner. Bonnie Poulos  
15 with Campus Farm Neighborhood Association. I reside at 1208 East  
16 Smooth Drive. I just have a concern about the issue of parking in the  
17 neighborhoods.

18 Immediately to the north of this site is a coffee shop-  
19 breakfast area called Prep and Pastry. And immediately to the south  
20 of this site is a coffee shop called Coffee Exchange. Both of these  
21 sites do not have enough parking.

22 ZONING EXAMINER: Right.

23 MS. POULOS: They are businesses that serve coffee, that  
24 provide a place for people to sit and use their internet. I am  
25 concerned and hoping that the City and the planners are looking at

1 this so that the issue that has afflicted the neighborhoods of those  
2 other two sites are not inflicted on the neighborhoods that are  
3 surrounding the Glenn Street area.

4 And I would hope that there is a great deal of thought into  
5 the ingress and egress of this site because of the new development  
6 that's taken place on Glenn that's put a lot of pressure at that  
7 intersection at Glenn and Campbell.

8 So, I would hope that the City and the developer would be  
9 very cognizant of these issues that they create for the neighborhoods  
10 that they are developing in. Thank you.

11 ZONING EXAMINER: Okay. Thank you. Does anybody else wish  
12 to speak? Okay.

13 MR. WONG: Mr. Sayler-Brown?

14 ZONING EXAMINER: Yes.

15 MR. WONG: I'd like to address Bonnie's concern.

16 ZONING EXAMINER: Okay.

17 MR. WONG: 'Cause that's the issue that was discussed also  
18 with the City. Our plan, we have Ray here of the Onyx Creative, which  
19 is our architect.

20 Our plans do meet all parking requirements of the City. It  
21 has plenty of parking. But we are aware, Bonnie, that sometimes  
22 businesses do get busy and there's parking issues. But when it comes  
23 to Starbucks, most of their parking requirements are, are more than  
24 adequate, which we have.

1           So, in regards to, yes, we are aware of that, but our, our  
2 architect plan does take into consideration the parking issues, and we  
3 meet all City parking requirements and codes.

4           ZONING EXAMINER: Did you speak with the neighbors about  
5 this issue as well?

6           MR. WONG: Yes, we had at least two neighborhood meetings  
7 at the site. We presented to them our architect development plan, and  
8 we talked about access, we talked about parking. And everyone was  
9 very supportive. We didn't have anyone come out and say they weren't  
10 for it.

11           And you received nine letters of support. That was very  
12 much the same at our meeting. There was no one that said, no, they  
13 weren't (sic) against that.

14           ZONING EXAMINER: Okay.

15           MR. WONG: Thank you very much.

16           ZONING EXAMINER: Thank you. So, does anybody else want to  
17 speak on this? Okay. Well, taking the testimony, the evidence and  
18 documentation provided, I'm gonna close the hearing. I'm gonna  
19 prepare a preliminary report within the next five working days. Thank  
20 you all for coming, and have a safe trip home.

21           (Case: C9-17-05 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 reference on page 1 above.

Transcription Completed: 06/16/17

  
\_\_\_\_\_  
KATHLEEN R. KRASSOW - Owner  
M&M Typing Service

## PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated March 20, 2017, and the design compatibility report dated March 20, 2017, 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 (I) 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. Provide documentation of a recorded lot combination with the abutting commercial parcel (tax id # 113-07-0060), located on the northwest corner of Campbell Avenue and Glenn Street.
7. Hours of operation for deliveries and trash pick-up limited to between 7:00 AM and 9:00 PM.
8. All screen 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, rustic metal, or brick; a visually interesting design on the wall surface; varied wall alignments, (job, curve, notch, setback, etc); and/or trees and shrubs in voids created by the wall variations.
9. Six (6) inch wide masonry block or greater shall be used for perimeter walls.