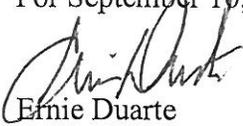




MEMORANDUM

DATE: August 26, 2009
For September 10, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Ernie Duarte
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE PLANNING & DEVELOPMENT
SERVICES REPORT
SE-09-15 Arizona Auto Spa – Grant Road, C-1 Zone (Ward 6)

Issue – This is a request by Richard Spreiser, on behalf of the property owner, Oscar Diaz, for approval to allow the development of an automotive service and repair, and window tinting facility as a special exception land use in the C-1 zone. The special exception site is approximately 0.32 acres in size and is located on the south side of Grant Road, east of Country Club Road (see Case Location Map). The preliminary development plan proposes the remodeling of an existing restaurant to an automotive window tinting facility, consisting of a one-story structure, 16 feet in height. The proposed facility will be approximately 583 square feet less in size than the existing restaurant and will be a companion use to the Arizona Auto Spa business located east and adjacent to the proposed project.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the automobile window tinting facility as a special exception land use in the C-1 Zone, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacated Restaurant & bar

Surrounding Zones and Land Uses:

North: Zoned R-2; Doolen Middle School (TUSD)
South: Zoned C-2; Arizona Auto Spa (Car & Truck washing business)
East: Zoned C-2; Arizona Auto Spa (Car & Truck washing business)
West: Zoned C-1; Heating and cooling contractor business

Previous Cases on the Property: None.

Related Cases:

SE-02-15 Blezinger – Campbell Avenue, C-1 Zone. This was a special exception request for a automotive service repair facility, 1,390 square feet in size, on 0.23 acres located on the northwest corner of Campbell Avenue and Mitchell Street. The Zoning Examiner approved the request on August 29, 2002. On September 12, 2002, the applicant filed an appeal of the decision to eliminate and modify certain conditions of the Zoning Examiner’s approval. The Mayor and Council upheld the Zoning Examiner’s decision on December 9, 2007.

C9-99-07 AAA Auto Rental – Grant Road This was a request to rezone approximately 0.5 acres on the south side of Grant Road, approximately 385 feet east of Country Club Road from R-2 to C-2 zoning. The Mayor and Council adopted Ordinance 9553 on May 7, 2001 and a building permit was issued on June 7, 2001, effectuating the ordinance. On January 15, 2008, Mayor and Council adopted Ordinance 10460, approving the Change of Conditions and Development Plan to allow for the development of the existing Arizona Auto Spa car wash.

Applicant’s Request – The applicant requests approval to remodel the existing restaurant building and as an auto window tinting business as a special exception land use in the C-1 zone.

Planning Considerations

The *Grant-Alvernon Area Plan* and the *General Plan* provide policy guidance for this area. *Grant-Alvernon Area Plan* policies support development on the perimeter of residential areas that will serve to protect and enhance the quality of life for neighborhood residents. For nonresidential development, appropriate design elements and buffering techniques should be incorporated into the site. Design guidelines suggest that lighting fixtures be as low in elevation as possible, and directed downward to avoid spillover impacts. *General Plan* policies support appropriate locations for commercial and office uses, with priority for development and redevelopment within the existing urbanized area to promote use and improvement of existing infrastructure, and meet residents' needs for goods and services in a cost effective and equitable fashion. Neighborhood identity and visual character is promoted, as is quality in design.

The site is located on the south side of Grant Road, east of Country Club Road. The frontage along Grant Road in the area near the site is zoned C-1 and developed with commercial uses, except for the parcel to the east and south of the site, which are zoned C-2 and developed with an auto/truck washing business, Arizona Auto Spa. Arizona Auto Spa wants to lease the subject site for the purpose of conducting an auto window tinting business. Further south, on the south side of the car wash, is a large, R-2 zoned parcel consisting mostly of open space with scattered communications facilities. West of the subject site is a heating and cooling contractor’s business. Few changes to the site are planned, except for remodeling the building interior and minimal changes to the exterior. The surrounding land uses are generally of equivalent or greater intensity than the proposed use, and the nearest residence is over 100 feet away. Consequently, there aren’t any significant compatibility issues

Vehicular access to the rezoning site is proposed via existing curb cuts on Grant Road, designated as an arterial street in the *Major Streets and Routes Plan*. Per the Grant Road Improvement Plan “GRIP,” 25 to 30 feet of this parcel is tentatively slated to be acquired for the road-widening project, which may impact the building. To accommodate the future right-of-way, the existing entry sidewalk, porch and a portion of the existing restaurant area will be removed. To allow the site to remain functional until such time as the City moves forward with the GRIP, the Department of Transportation, Engineering Division recommends owner/developer obtain a Temporary Revocable Easement and/or other legal instrument to allow the owner/developer to use a portion of the existing right-of-way for code-required items, until such time as the acquisition process is commenced.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 21 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the site.

Design Considerations

Land Use Compatibility – This site is like many of the commercial businesses along this segment of Grant Road, in that it is an older, single-story, relatively small building, close to the roadway. Sidewalks and street landscaping are intermittent in this area, there are none at this location.

Since the parcel has been tentatively identified for acquisition as part of the GRIP, the proposed use may be transitory, and the building may be demolished. However, interim improvements allow for the continued economic use of the site until an acquisition occurs, will improve the visual appeal of the site, and will not adversely impact the adjacent uses.

It is anticipated the building will be painted. If the exterior is painted, Design Review staff recommends that it be a color that complements, or is consistent with, the buildings along Grant Road. Should new outdoor lighting be provided, it should be directed downward and be placed as low in elevation as possible, to prevent spillover into the public roadway.

Drainage/Grading/Vegetation – The parcel is wholly within the COT-mapped floodplain of Christmas Wash (Q100 = 1088cfs). Any improvement to the building equal to, or exceeding, fifty percent (50%) of the existing building's value will require the entire building to be made compliant with the Floodplain Ordinance. It is not known whether the existing building is in conformance at this time. It is likely that the applicant will be asked to provide a completed Elevation Certificate as part of the Floodplain Use Permit application process. The site does not lie within a critical/balanced basin and is smaller than one acre; detention/retention is not required.

The Landscape Section recommends a street landscape border along Grant Road. Additional planting areas should be provided to equal or exceed 500 square feet total landscaping per the applicable landscape regulations in effect when the property was initially developed.

Road Improvements/Vehicular Access/Circulation – Existing access to the project site is via two curb cuts on Grant Road. There is no sidewalk along Grant Road. On-site circulation is planned as a one-way counterclockwise rotation. Access to the dumpster, as shown on the Preliminary Development Plan (PDP), may be problematic. An existing power pole in the area north of the proposed dumpster may impede the trash collection vehicle. It is suggested that the applicant revise the dumpster placement to improve access for the trash collection vehicle. The site has been provided excess parking above that which is required. The dumpster could be relocated to the southern-most angled parking space on the east side of the site to provide clear access for collection.

Conclusion – This request to allow the development of an automotive service and repair, and window tinting facility as a special exception land use is consistent with the policy direction in the *Grant-Alvernon Area Plan* and the *General Plan*. Although the parcel is tentatively slated for acquisition as part of the GRIP, continued economic use will help strengthen the neighborhood edge in the interim, prior to the road project. Subject to compliance with the attached preliminary conditions, approval of the requested special exception land use is appropriate.

s:/special exception/09/c9-09-15 sr.doc

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated July 2, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 5.3.8. of the *Land Use Code*.
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”.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. 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. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATABILITY

8. If the building exterior is painted, the color should be complementary to or consistent with the exterior color of buildings in the vicinity.
9. All lighting shall be downward directed, placed as low in elevation as possible, with no spillover lighting onto Grant Road.

DRAINAGE/GRADING/VEGETATION

10. A 10 foot Street Landscape Border is required along the Grant Road frontage. Additional planting areas equal to or exceeding 500 square feet of total landscaping shall be provided.

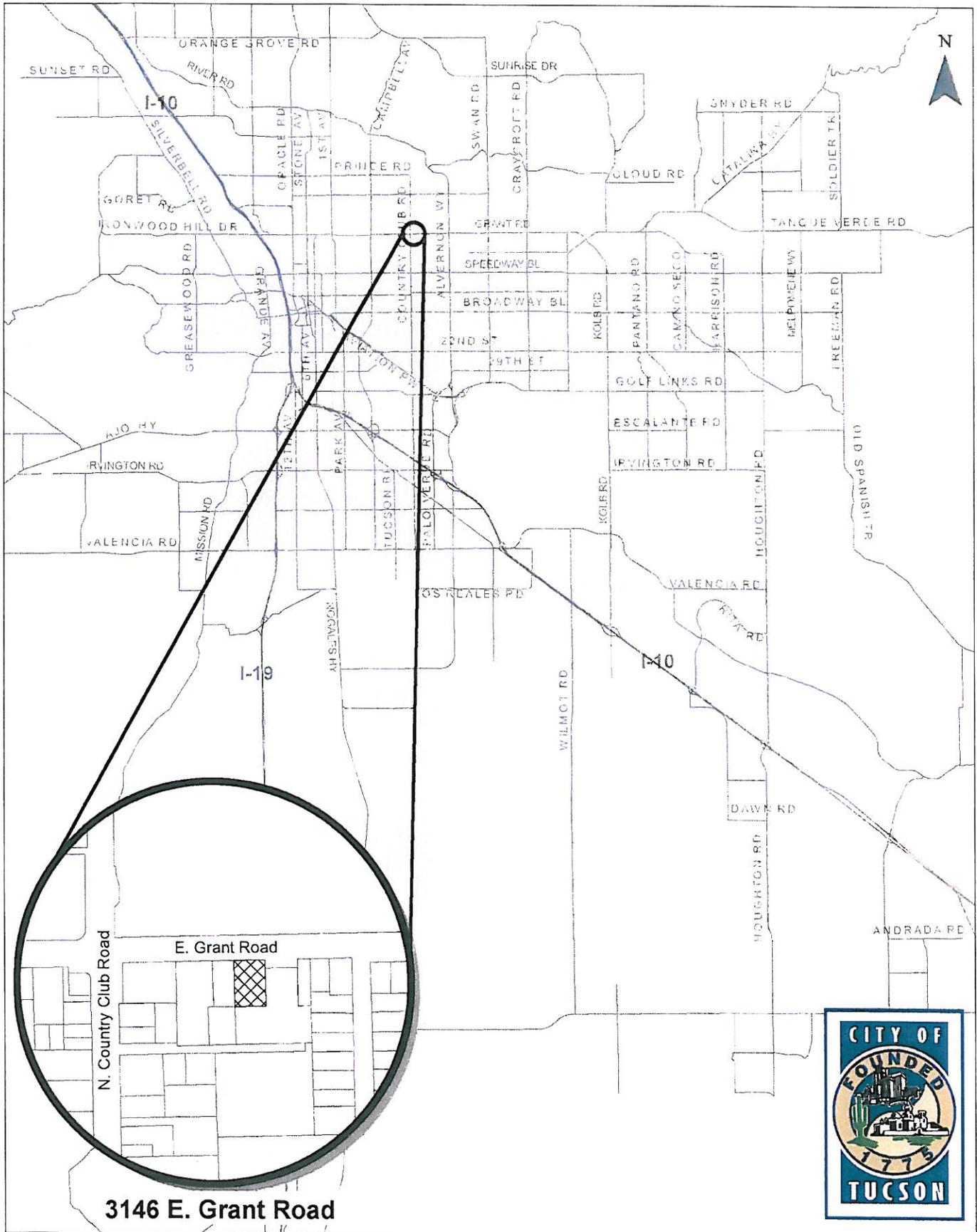
Preliminary Conditions

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

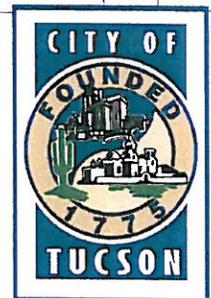
11. Relocate the dumpster to provide access for the trash collection vehicle

s/specialexception/2009/SE-09-15 preliminary conditions.doc

SE-09-15 Arizona Auto Spa - Grant Road



3146 E. Grant Road





SE-09-15 Arizona Auto Spa - Grant Road
August 2009 Aerial





Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing.

Approvals and protests must have an owner’s signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: SE-09-15 Arizona Auto Spa – Grant Road, C-1 Zone (Ward 6)

I/We the undersigned property owners, wish to

- APPROVE the proposed rezoning.
- PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner’s Signature: _____ Date _____

SE-09-15



City of Tucson

Planning & Development Services

Rezoning Section

201 N. Stone Avenue

P.O. BOX 27210

Tucson, Arizona 85726-7210

SE-09-15

IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED