

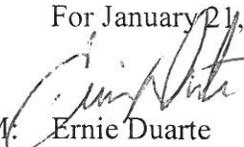


# MEMORANDUM

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DATE: January 6, 2010  
For January 21, 2010 Hearing

TO: Peter M. Gavin  
Zoning Examiner

FROM:   
Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-09-14 BMC Tucson Parking – Venice Avenue, R-1 to P (Ward 6)

**Issue** – This is a request by GDA Southwest, LLC, on behalf of the property owners, CS&Z Holdings Inc., to rezone approximately .83 acres from R-2 to P zoning. The rezoning site is located on the west side of Venice Boulevard on Bellevue Street, north of Speedway Boulevard (see Case Location Map). The preliminary development plan proposes establishing a parking lot to support Brown Mackie (B-M) College campus located at 4585 E. Speedway Boulevard.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of P zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Vacant.

### Surrounding Zones and Land Uses:

North: Zoned R-2; residential uses.  
South: Zoned; R-2 and C-2; residential and commercial uses.  
East: Zoned R-2; residential uses.  
West: Zoned R-2; residential uses.

Previous Cases on the Property: None

Related Cases: None

**Applicant's Request** – Rezoning a vacant lot from R-1 to P zoning to allow the development of a parking lot for Brown Mackie College, located at 4585 E. Speedway.

## **Planning Considerations**

Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and the *General Plan*. The *Grant-Alvernon Area Plan* policies encourage the development of vacant

properties if the use is compatible with and the design sensitive to, the surrounding land uses. These policies support development on the perimeter of residential areas that will serve to protect and enhance the quality of life for neighborhood residents. Primary access for nonresidential uses should be provided to an arterial street, and traffic is to be directed away from the interior of neighborhoods. The *Plans* support appropriate design elements and buffering techniques that ensure sensitive design of nonresidential developments adjacent to established neighborhoods. Innovative parking solutions that improve the aesthetic quality of the street are encouraged, as is the use of landscape materials, and lighting schemes which make pedestrian areas safe and attractive.

*General Plan* policies support compatible development, including nonresidential uses, where the scale and intensity of use will be compatible with adjacent uses. Improvement of existing infrastructure to meet residents' needs for goods and services in a cost-effective and equitable manner is promoted. *General Plan* policies also support preservation of neighborhood identity and visual character. Water conservation and healthy, attractive urban vegetation are also promoted.

Vehicular access to the rezoning site is proposed from Venice Avenue and Bellevue Street, both local streets.

### **Design Considerations**

Land Use Compatibility – Plan policy supports the development of vacant properties throughout the Grant-Alvernon area that compliments the existing surrounding neighborhood. The *Grant-Alvernon Area Plan - Land Use Concept Map* calls out for low to medium density residential uses at this site. The request to rezone the site to “P” zone is appropriate, as the “P” zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. In this case, the college site is zoned R-2 and C-2. The additional parking will address safety and nuisance concerns generated by students parking along adjacent local streets, and allow the school to be properly parked. The proposed parking lot site is located one block north of the Speedway commercial corridor, and can serve as an appropriate land use transition and buffer between more intense nonresidential uses along Speedway Boulevard and the interior residential uses of this neighborhood.

The preliminary development plan (PDP) indicates there is an existing wall along the western boundary and that a five-foot-high wall will be built along the northern boundary. Staff recommends at least a 36-inch-high wall in addition to the proposed 30-inch-high vegetative screen along the eastern boundary. This will assist in shielding car lights from shining onto the residences across the street. A 36-inch-high wall should also be placed adjacent to the proposed six parking spaces along Bellevue Street.

Drainage/Grading/Vegetation – The site does not lie within a mapped floodplain. Onsite drainage is generally towards the northwest and toward the Belvedere Avenue/Fairmount Street intersection. The site lies within the Alvernon Wash watershed, a non-designated watershed. Detention is not required. The rezoning site is less than one acre in size, threshold retention

would not be typically required; however, because the rezoning site is part of a larger development, threshold retention will be required.

The *Grant-Alvernon Area Plan* encourages the incorporation of water-harvesting into the landscape design, and water harvesting volumes may be used to offset required retention volumes. Use of water harvesting to accomplish threshold retention is encouraged. Water harvesting areas are not considered to be detention/retention basins and are not subject to the typical conditions for detention/retention basins. The site should be developed in compliance with the Commercial Water Harvesting ordinance adopted by Mayor and Council on Oct. 14, 2008 and Development Standard 10-03.0, Commercial Rainwater Harvesting.

Urban Heat Island reduction is a goal under Tucson’s *General Plan*. Three mitigation strategies to reduce urban heat are to address roofs, paving and vegetation. Roofs and paving are generally related to their solar reflectance properties and vegetation is related to the shade and cooling effects of trees provided by evapotranspiration. Therefore, there shall be a minimum of one tree provided for every four vehicle parking spaces.

Road Improvements/Vehicular Access/Circulation – The Preliminary Development Plan shows new sidewalks to be located along Bellevue Street and Venice Avenue; however, there does not appear to be any designated pedestrian access from the parking lot to the proposed sidewalks. A safe pedestrian path in the area of the southeast corner of the parking lot connecting the parking lot to the sidewalk along Venice Avenue is appropriate.

Direct Ordinance – Based on the simplicity of this proposal and the negligible impact on adjacent infrastructure, staff recommends Direct Ordinance adoption for this case. Single review by the Mayor and Council will reduce the cost to the public and reduce processing time for the applicant. Section 5.4.3.4. of the *Tucson Land Use Code* requires that the development plan provide sufficient specific details to demonstrate compliance with all conditions that may be required by the Mayor and Council. The materials submitted in support of this rezoning request are sufficient to support Direct Ordinance Adoption.

Conclusion – The rezoning proposal is consistent with the policy direction provided in the *Grant-Alvernon Area Plan*, and *General Plan*. Both Plans support a parking lot at the northwest corner of Bellevue Street and Venice Avenue, as it has been designed to preserve and enhance the integrity of the neighborhood. Subject to compliance with the attached preliminary conditions, approval of the requested P zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated November 6, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 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. The owner / developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. Address pedestrian safety where sidewalk intersect vehicular entrances into the parking lot. Identify a change in color, texture, and/or material to the surface within the vehicular access entrances at both Bellevue Street and Venice Avenue. This distinguishable material is to provide an identifiable and visual extension of the sidewalks located at either end of vehicular asphalt surface
9. Provide at least a minimum 36” wall with the identified 30” minimum vegetative screen along the eastern boundary of the site to shield car lights from shining into the residences

## Preliminary Conditions

across the street. Provide at least a minimum 36" wall with 30" minimum vegetative screen adjacent to the proposed six parking spaces along Bellevue Street. Provide a 5' high wall on northern boundary of the parking lot.

10. All 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, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
10. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

11. Provide at least 1 tree per every four parking spaces to be planted in the parking lot.
12. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
  - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
  - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
  - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
  - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
  - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
  - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
13. Water harvesting and irrigation shall be provided by complying with the Commercial Water Harvesting ordinance (Municipal Code Article III. Section 6, Oct. 14, 2008) and Development Standards No. 10-03.0, adopted by Mayor and Council.

Preliminary Conditions

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

14. Provide a safe pedestrian path in the area of the southeast corner of the parking lot connecting the parking lot to the sidewalk along Venice Avenue.
15. Sidewalks shall be provided along Venice Avenue and Bellevue Street.

s/rezoning/C9-2009/C9-09-14 preliminary conditions.doc

## CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 300 feet of a parcel(s) that is being considered for a rezoning.

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each rezoning in the City of Tucson. Persons attending the hearing are to observe rules of propriety, decorum, and good conduct and are to refrain from rude or slanderous remarks. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all rezoning requests.

You may speak in favor or in opposition to the rezoning during the public hearing. You may also submit a written approval or protest. A form is attached for your convenience.

### PUBLIC HEARING INFORMATION

Date: Thursday, January 21, 2010

Time: 7:30 p.m.

Location: Mayor and Council Chambers\* First Floor, City Hall, 255 West Alameda, Tucson, Arizona

### APPLICANT

GDA Southwest, LLC  
250 S. Craycroft Road, Suite 200  
Tucson, AZ 85711

### PROPOSED REZONING

Case: C9-09-14 BMC Tucson Parking – Venice Avenue,

Requested Zoning Change: R-1 to P

Location: West side of Venice Blvd. between Alvernon Way and Swan Road, north of Speedway Blvd.

Proposed Development: Establishing a parking lot to support Brown Mackie College campus located at 4585 E. Speedway Boulevard.

### Notificación de Audiencia Pública del Examinador de Zonificación

Para oír y tomar en consideración el siguiente caso: C9-09-14 BMC Tucson Estacionamiento – Venice Bulevar

Cambio de Zonificación Solicitada: R-1 a P

Ubicación: Al lado oeste de la Bulevar Venice entre Alvernon Way y la Calle Swan al norte de la Bulevar Speedway

Desarrollo Propuesto : El establecimiento de un estacionamiento para apoyar el campus del Colegio Brown Mackie localizado en 4585 E. Bulevar de Speedway

Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-5550

For further information, please call Michael Wyneken, Deborah Corral or Peter McLaughlin at 791-5550 or write to Planning & Development Services Department – Rezoning Section, P.O. Box 27210, Tucson, AZ 85726

\*To better serve everyone in the community, the Mayor and Council Chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD). If you require

accommodation or materials in accessible format, or require a foreign language interpreter, or materials in a language other than English for this event, call 791-4213 at least five (5) business days in advance.

## **ZONING DISTRICT NARRATIVE SUMMARIES**

(For a complete description, refer to Land Use Code, Chapter 23, Tucson Code, which can be found at <http://www.ci.tucson.az.us>)

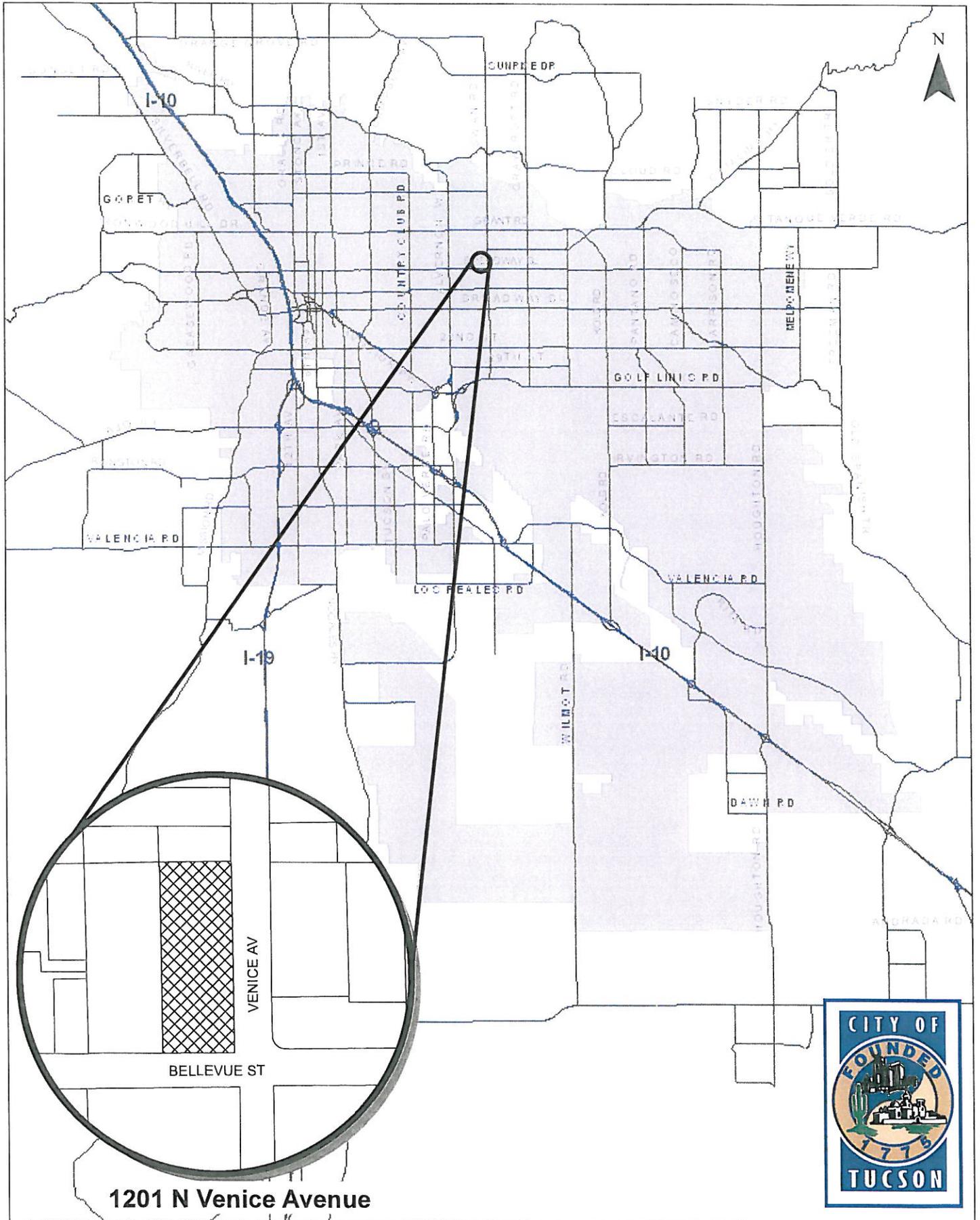
### **Current Zoning:**

**R-1**      *RESIDENTIAL - SINGLE-FAMILY* – Primarily for the use of single-family residences. Schools, churches, and public buildings permitted.

### **Proposed Rezoning:**

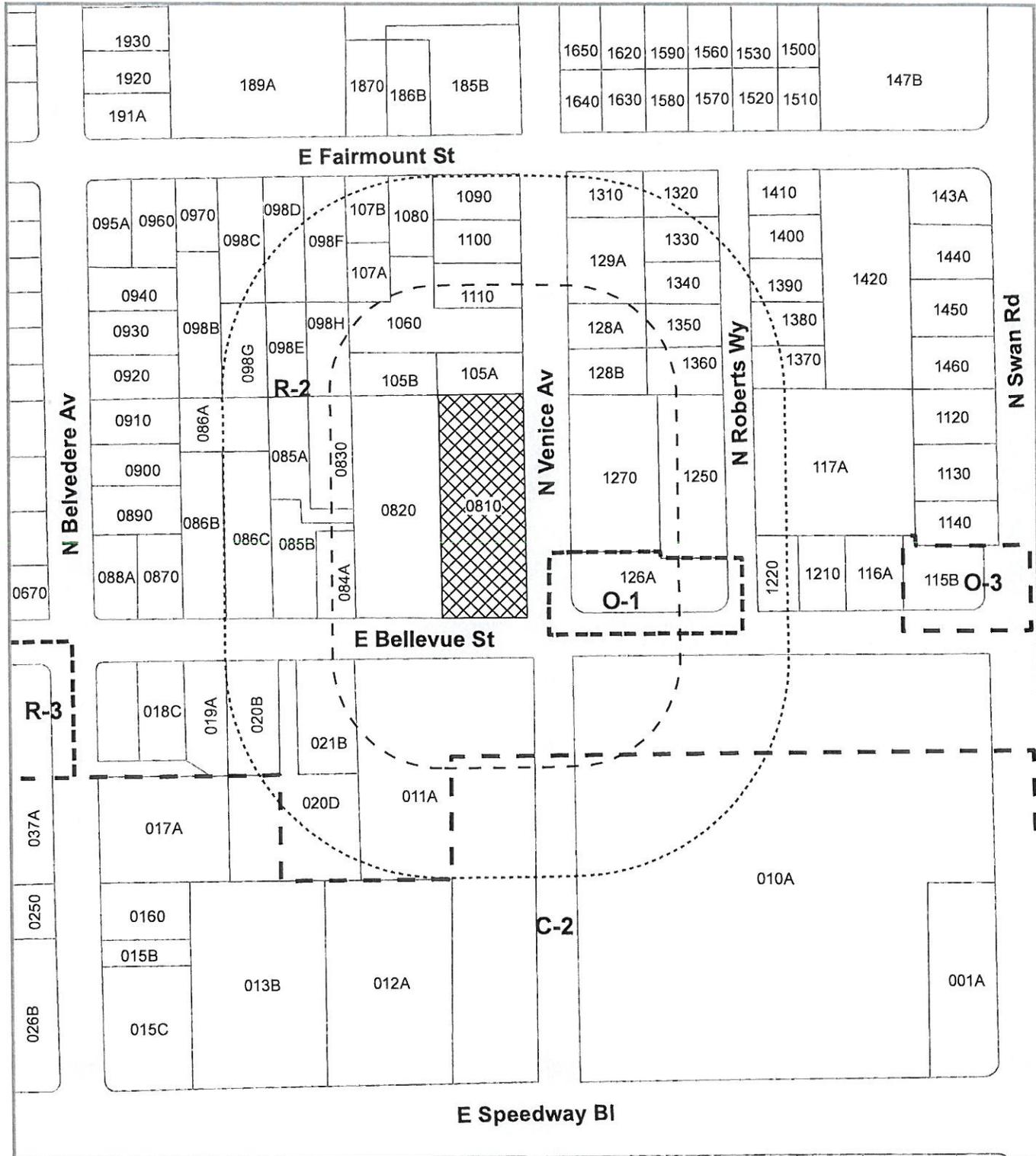
**P**      *PARKING* – Off-street parking at or below grade.

# C9-09-14 BMC Tucson Parking - Venice Avenue



# C9-09-14 BMC Tucson Parking - Venice Avenue

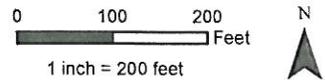
Rezoning Request: from R-2 to P



-  Area of Rezoning Request
-  Protest Area (150 foot radius)
-  Notification Area (300 foot radius)
-  Zone Boundaries



Plan(s): Grant Alvernon Plan  
 Address: 1201 N Venice Avenue  
 Base Maps: Sec.03 T.14 R.14  
 Ward: 6





**C9-09-14 BMC Tucson Parking - Venice Avenue**  
December 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: C9-09-14 BMC Tucson Parking – Venice Avenue, R-1 to P (Ward 6)

\_\_\_\_\_  
I/We the undersigned property owners, wish to  APPROVE the proposed rezoning.  
 PROTEST the proposed rezoning.

**Reason:**

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

Owner’s Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

**C9-09-14**

Expose this flap - Affix stamp and return

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City of Tucson  
Planning and Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

**C9-09-14**

**IMPORTANT REZONING NOTICE ENCLOSED**