



MEMORANDUM

DATE: November 18, 2009
For December 3, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Ernie Duarte, 
Planning & Development
Services Director

SUBJECT: REZONING –PLANNING & DEVELOPMENT SERVICES REPORT
C9-09-11 Slilaty - Fort Lowell Road, R-2 and R-3 to O-3 (Ward 2)

Issue – This is a request by Michael Grassinger, on behalf of the property owner, Abraham Slilaty, to rezone approximately 1.31 acres from R-2 and R-3 to O-3 zoning. The rezoning is located on the south side of Fort Lowell Road approximately ¼ mile east of Alvernon Way (see Case Location Map). The preliminary development plan proposes a two-story administrative and professional office building totaling 15,600 square-feet of floor area with a height ranging from 26 to 40 feet in height.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of O-3 zoning, subject to the attached preliminary conditions.

Background Information

Plan Amendment - The applicant successfully processed an amendment to the *Grant-Alvernon Area Plan* to allow for office and high-density residential uses on the site (Resolution No. 21381 adopted September 9, 2009).

Existing Land Use: One single family residence

Surrounding Zones and Land Uses:

North: Zoned R-1 and C-2; single-family residential and self storage facility

South: Zoned MH-1; mobile home park

East: Zoned R-2; single-family residential

West: Zoned R-3; apartments

Previous Cases on the Property: none

Related Cases:

C9-08-01 Fort Lowell Park, LLC - Fort Lowell Road, R-3 and MH-1 to O-3 This was a rezoning request for 6.58 acres located on the south side of Fort Lowell Road, approximately 655 feet east of Alvernon Way, to allow the development of eight (8) administrative and professional office structures totaling 82,627 square-feet of floor area and ranging from 24 to 40 feet in height. On June 3, 2008 Mayor and Council voted 6-0 to authorize the rezoning.

C9-06-31 Summit Development – Fort Lowell Road, R-2 to C-1 This was a rezoning request for approximately 5.6 acres located on the northeast corner of Fort Lowell Road and Alvernon Way to allow the development of eight, one- and two-story structures providing 66,900 square feet of office and commercial uses. On November 20, 2007, Mayor and Council adopted Ordinance No. 10478 and on April 3, 2008 a building permit was issued, effectuating C-1 zoning on the property.

Applicant's Request – The applicant requests O-3 zoning to allow the construction of a two-story administrative and professional office building totaling 15,600 square-feet of floor area with a height ranging from 26 to 40 feet in height on 1.31 acres.

Planning Considerations

Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and the *General Plan*. The policies of both *Plans* protect established residential neighborhoods by supporting compatible development. *Grant-Alvernon Area Plan* policies encourage development of vacant properties if the use is compatible with and the design is sensitive to surrounding uses with an overall goal of improving the visual appearance of the area. Policies support commercial and office development near residential areas that will serve to protect and enhance the quality of life for neighborhood residents.

General Plan policies support commercial and office development along arterial streets within urbanized areas when compatible with adjacent uses including established residential areas. Commercial and office uses are supported in appropriate locations to promote use and improvement of existing infrastructure, increase pedestrian activity and transit use, and meet residents' needs for goods and services.

The site is located on the south side of Fort Lowell Road east of Alvernon Way and consists of two parcels, zoned primarily R-3, with a small portion along the east perimeter zoned R-2. The easternmost of the two lots is vacant land and is a portion of a larger parcel, the remainder of which was part of a 2008 request for a rezoning to O-3 (C9-08-01 Fort Lowell Park, LLC - Fort Lowell Road) to allow administrative and professional office buildings. The smaller lot, located in the northwest corner of the site, is developed with a single family residence, which the owner plans to remove from the property. The applicant is aware that prior to issuance of building permits the lots must be reconfigured, with the two existing lots being combined into one and the larger parcel split into two lots along the southern boundary of the rezoning site.

Vehicular access to the project is proposed from Fort Lowell Road. Fort Lowell Road, identified as an arterial roadway with a future right-of-way of 100 feet on the *Major Streets and Routes Plan* map, is north of the rezoning site. Alvernon Way, also an arterial roadway with a future right-of-way of 120 feet, is located west of the rezoning site. The Design Compatibility Report states that there will be no vehicular connection to the proposed office development to the south due to the concerns of neighbors regarding traffic routed behind existing homes to the east. However, as an alternative, an access drive is depicted on the Preliminary Development Plan.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 167 vehicle trips per day.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The site is surrounded primarily by residential uses. To the south is vacant land under the same ownership and authorized for O-3 zoning by rezoning case C9-08-01 Fort Lowell Park, LLC - Fort Lowell Road. To the west is a small two-story apartment complex, zoned R-3. Further west along Fort Lowell is a portion of the vacant land recently authorized for O-3 zoning, and commercial and office uses, mostly in C-1 zoning, extending to Alvernon Way. A residential development, Barrio Centro, zoned R-2 and consisting of one-story single family homes is located to the east of the site. North of Fort Lowell Road, directly across from the site are single family homes zoned R-1 and a self-storage facility, zoned C-2. A lot split for parcel 110-06-009A along the south boundary of the rezoning and a lot combination with parcel 110-06-011D will be required in addition to the submittal of a development plan.

The project must be designed in a manner that is compatible with the surrounding uses. The Design Compatibility Report indicates that the proposed office development will provide continuity with the proposed project to the south and southwest by incorporating similar planning and design solutions. The property owner also owns the parcels to the south and west of the rezoning site, totaling about 6.6 acres,. They were the subject of a 2007 plan amendment, and were authorized for O-3 zoning on June 3, 2008 (C9-08-01 Fort Lowell Park, LLC - Fort Lowell Road). That rezoning was for a stand-alone office complex with eight one- and two-story buildings, ranging in height from 24 to 40 feet, with a gross floor area of 82,627 square feet.

The applicant states that neighbors have expressed concerns regarding the increased traffic that may result from the construction of a vehicle access drive connecting the development to the proposed office project to the south. The preliminary development plan for the adjacent office project does not allow for vehicular connectivity to the subject site due to the proposed location of buildings and the parking lot on the adjacent project. An access drive between the two sites would also eliminate several of the parking spaces on the subject site, resulting in a parking deficit based on the calculations provided and the layout shown on the preliminary development plan. If the site to the south is developed first and designed with vehicular connectivity to the subject property, the design for both projects shall be revised to allow such connectivity.

The Design Compatibility Report states that direct pedestrian access will be provided to the proposed office development to the south. A safe, convenient, and aesthetically pleasing pedestrian connection between the two proposed developments is recommended.

The development will consist of a two-story office building with building facades featuring four-sided architecture. The side and rear facades of the buildings will incorporate details found on the front of the buildings. Dimensioned and colored elevation drawings showing the four-sided architecture shall be submitted with the development plan. Any exterior mechanical equipment shall be screened from surrounding properties and adjacent roadways. In order to preserve the privacy of adjacent residents, staff recommends that all windows on the second story east and west elevations be clerestory, and that second story balconies be prohibited on the east and west sides of the building.

Staff recommends that all noise-generating uses be located away from adjacent residential areas. The trash dumpster and the loading zone as shown on the preliminary development plan meet the recommended 50-foot setback from adjacent residential uses to the east. Loading and trash removal activities shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.

Lighting will be incorporated into the project providing adequate safety around buildings and parking areas while protecting the views of the dark night sky. The Design Compatibility Report indicates that all lighting will be shielded, directed downward, and designed to prevent spill onto adjacent properties.

The rezoning site will use drought tolerant landscape materials to help enhance the aesthetics of the project and screen the site from adjacent uses. The Design Compatibility Report states that landscaping will consist of shade trees with large canopies and saguaros placed along the Fort Lowell street landscape border. It also states that the parking lot shall contain one (1) canopy tree for every four (4) parking spaces with each space located within 30 feet of a shade tree. This will serve to counteract the urban heat island effect and provide shade for pedestrians and parked vehicles.

Drainage/Grading/Vegetation – The site is located on the south side of Fort Lowell Road between Alvernon Way and Columbus Boulevard. It is not within a mapped floodplain. The site lies within the Christopher City Wash watershed, a designated balanced basin. For sites greater than one (1) acre in size detention is required in balanced basins to reduce the post development condition onsite flowrates to pre-development levels. Threshold retention is also required to reduce flow volumes to existing levels. A landscaped detention area will be located immediately to the west of the proposed building.

Rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Specifications for water harvesting shall be clearly delineated on the Rainwater Harvesting Plan to ensure it is correctly implemented at all

necessary stages of construction. It is recommended that structured or engineered soil be used in parking lot planters to encourage tree root development.

Road Improvements/Vehicular Access/Circulation – A Traffic Impact Analysis will be required to identify any potential off-site improvements. Access to the site will be provided via one entrance drive off of Fort Lowell Road. Currently, there are no turn lanes or bike lanes adjacent to the project. The applicant proposes to install a left-turn lane to allow westbound traffic to enter the site and eastbound traffic to enter Walnut Avenue.

There is an existing sidewalk along Fort Lowell Road. According to the Design Compatibility Report, six-foot sidewalks are proposed along Fort Lowell Road although on the preliminary development plan the sidewalks scale to only 5 feet. It is recommended that pedestrian access be extended to the southern end of the parking lot to provide continuous pedestrian circulation connecting the proposed building with the proposed office complex to the south. The Design Compatibility Report proposes safe walkways, which will be clearly marked, from the parking lot to the building. It is recommended that pedestrian walkways be constructed of porous paving to provide additional water and aeration into the soil adjacent to parking lot planting areas.

It does not appear that the proposed loading zone provides the minimum required maneuvering area. Therefore, loading zone details will be required to ensure that there is sufficient space for access and maneuverability.

Conclusion – The rezoning proposal is consistent with and supported by the policy direction in both the *Grant-Alvernon Area Plan* and the *General Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested O-3 zoning is appropriate.

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated September 28, 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. 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 rezoning.

LAND USE COMPATABILITY

8. Loading zones and trash enclosures shall be located at least fifty (50) feet from the east property line.
9. Include provisions for two single or one double wide solid waste enclosure(s) in order to accommodate for both refuse and recycle dumpsters.
10. All outdoor lighting should be full cutoff and directed downward. There shall be no spillover lighting onto adjacent properties and roadways.
11. All windows on the second story east and west elevations shall be clerestory.
12. Second story balconies are prohibited on the east and west elevations.

Preliminary Conditions

13. The building shall be designed with “four-sided” architectural treatment. Color elevations demonstrating compliance with this condition shall be submitted as part of the development plan package.
14. Loading and trash removal activities shall be restricted to the hours of between 6 A.M. and 10 P.M.
15. At least one canopy tree shall be planted in the parking lot for every four motor vehicle parking spaces and each parking space shall be located within 30 feet of a shade tree.
16. 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.
17. Six (6) inch wide fence block or greater shall be used for perimeter walls.
18. The overall architectural design of the site shall be compatible with or complement other recent development along Fort Lowell Road between Alvernon Way and Swan Road.
19. Exterior mechanical equipment shall be screened from view from the surrounding properties and adjacent roadways.
20. If the site to the south is developed as an office complex prior to development of the subject site, and if that site is redesigned to allow vehicular connectivity to the subject site, every effort shall be made to refine the current site design to provide vehicular connectivity between the subject site and the office development to the south and west.
21. If the site to the south is developed as an office complex and no vehicular connectivity is provided between the two sites, then the subject site shall be designed to provide safe, convenient, aesthetically pleasing pedestrian circulation to the property to the south, including a pedestrian-scaled opening in the southern perimeter wall or fence. The pedestrian opening shall remain unlocked during normal business hours. A striped pedestrian crosswalk shall be provided in the parking lot that connects to the pedestrian opening.

DRAINAGE/GRADING/VEGETATION

22. Water harvesting techniques shall comply with the Rainwater Harvesting Ordinance adopted October 14, 2008 (Municipal Code Article III, Section 6) and Development Standards 10.03.0, Commercial Rainwater Harvesting. Specifications for water harvesting shall be clearly delineated on Rainwater Harvesting Plan to ensure it is correctly implemented at all stages of construction.

23. Structured or engineered soil shall be utilized in parking lot planting wells, landscape borders excepted, to encourage root development of trees.
24. Preparation of a complete Drainage Report, including details of detention/retention, is required.
 - 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 location(s) as approved by the City Engineer.
 - c. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - d. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

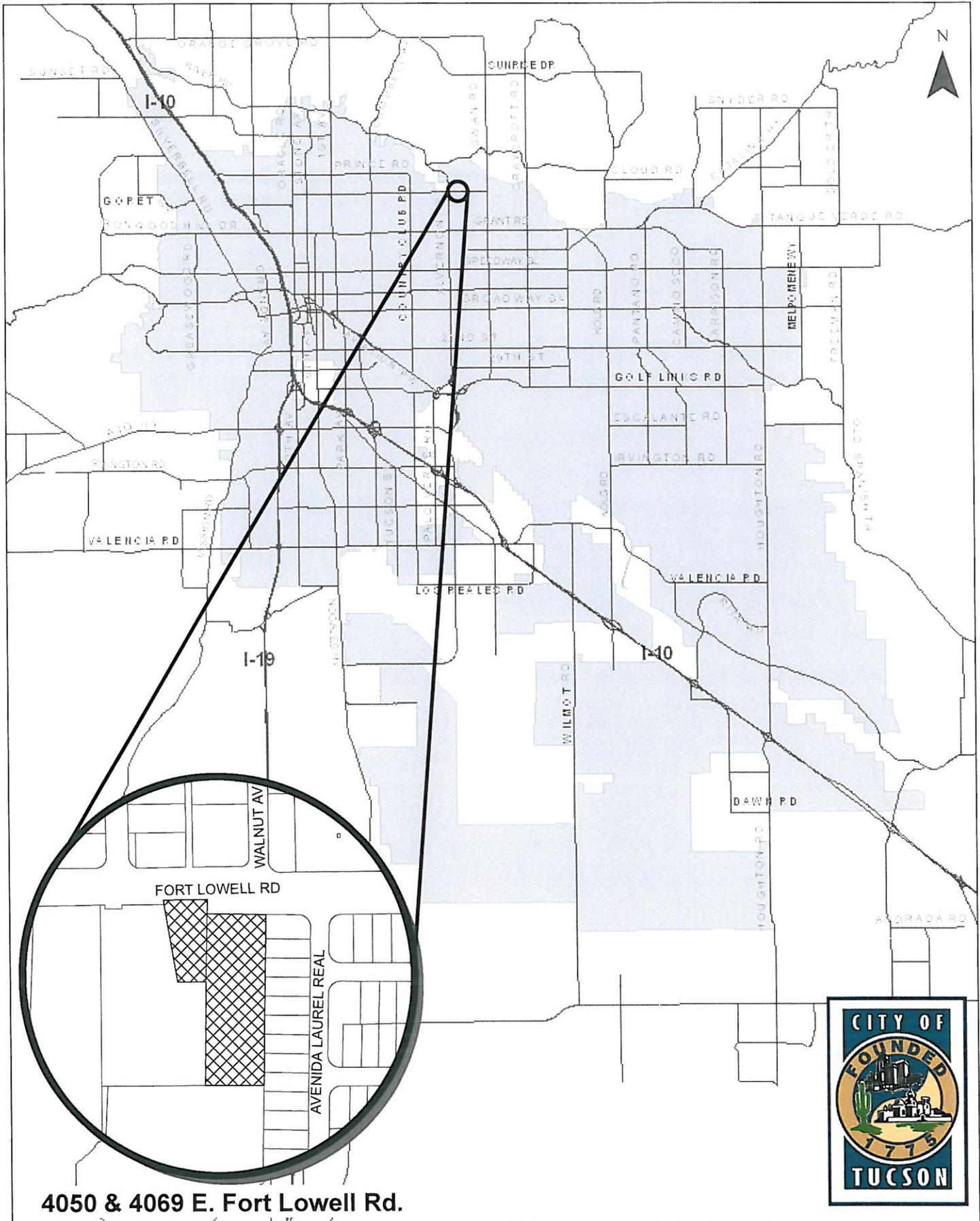
25. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan*, along the Ft. Lowell Road site frontage is required.
26. Owner/developer shall install new six-foot (6') wide sidewalks along the Fort Lowell Road site frontage (at locations where there are not existing sidewalks and/or locations where the existing sidewalk needs to be removed/modified/repaired).
27. The pedestrian access route shall be extended to the southern end of the parking lot to provide a pedestrian connection between the building and the proposed office project to the south (rezoning case C9-08-01 Fort Lowell Park, LLC, Fort Lowell Road).
28. All unused curb cuts/driveways along the Fort Lowell Road site frontage shall be closed.
29. A Traffic Impact Analysis shall be submitted with the development plan. The Traffic Impact Analysis is required to determine the need for offsite improvements such as:
 - a. A center left turn lane on Fort Lowell Road, including appropriate transitions.
 - b. A right turn/deceleration lane on Fort Lowell Road.
30. The required off-site improvements as indicated in the Traffic Impact Analysis shall be coordinated with the required off-site improvements for rezoning case C9-08-01 Fort Lowell Park, LLC, Fort Lowell Road. TDOT Staff will determine the phasing and implementation

Preliminary Conditions

of the off-site improvements based on the development phasing of rezoning cases C9-08-01 Fort Lowell Park, LLC, Fort Lowell Road and C9-09-11 Slility – Fort Lowell Road.

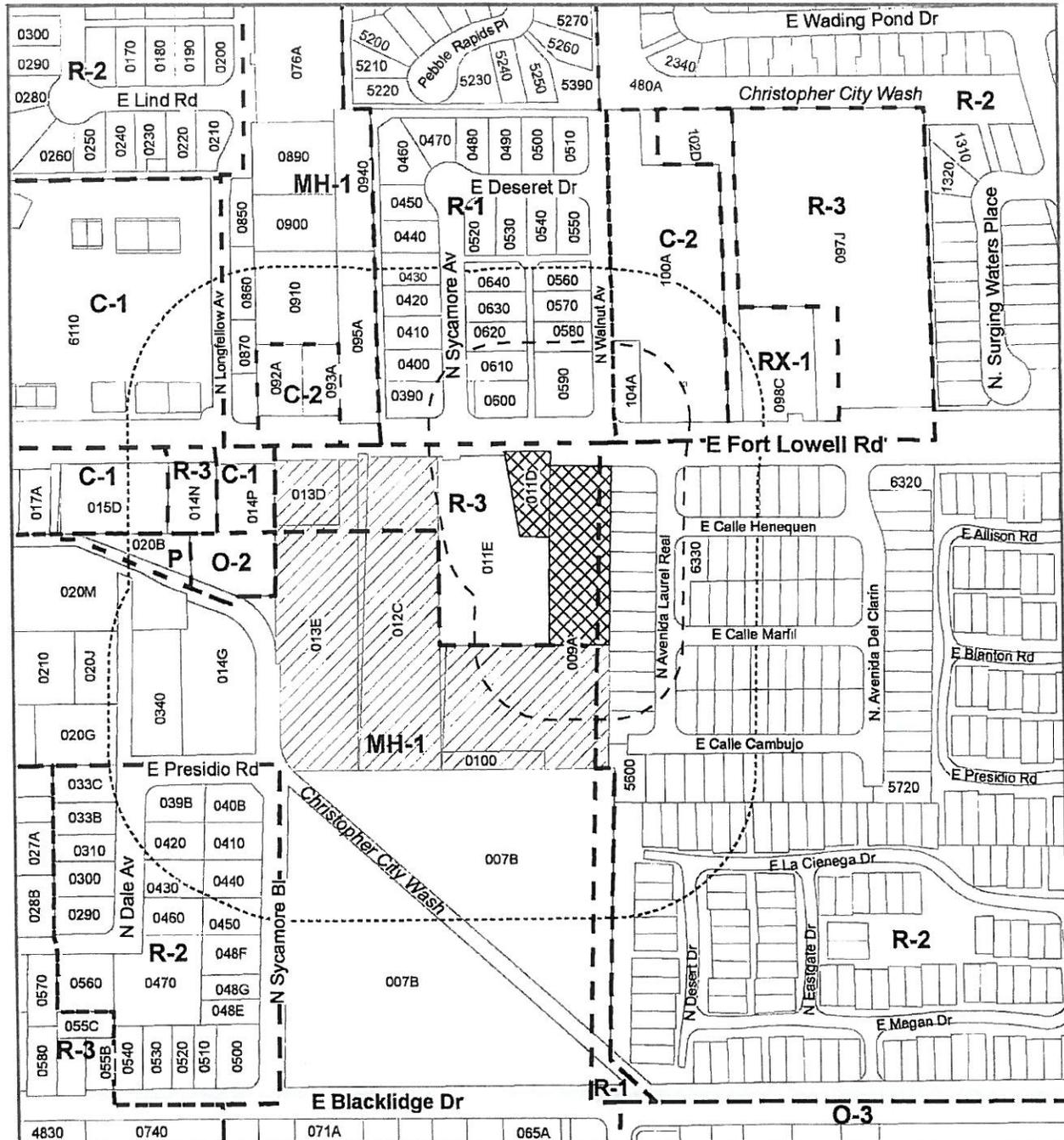
f/rezoning/2008/C9-08-01 preliminary conditions.doc

C9-09-11 Slilaty - Fort Lowell Road



C9-09-11 Sllaty - Fort Lowell Road

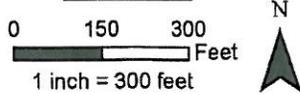
Rezoning Request: from R-2 & R-3 to O-3



-  Area of Rezoning Request
-  C9-08-01, Authorized O-3
-  Protest Area (150 foot radius)
-  Notification Area (300 foot radius)
-  Zone Boundaries



Plan(s): Grant Alvernon Plan
 Address: 4050 E. Fort Lowell Road
 4069 E. Fort Lowell Road
 Base Maps: Sec.34 T.13 R.14
 Ward: 2





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: C9-09-11 Slilaty - Fort Lowell Road, R-2 and R-3 to O-3 (Ward 2)

_____ APPROVE the proposed rezoning.
 I/We the undersigned property owners, wish to 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 _____

Place
Stamp
Here

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

C9-09-11

Expose this flap - Affix stamp and return



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

C9-09-11
IMPORTANT REZONING NOTICE ENCLOSED