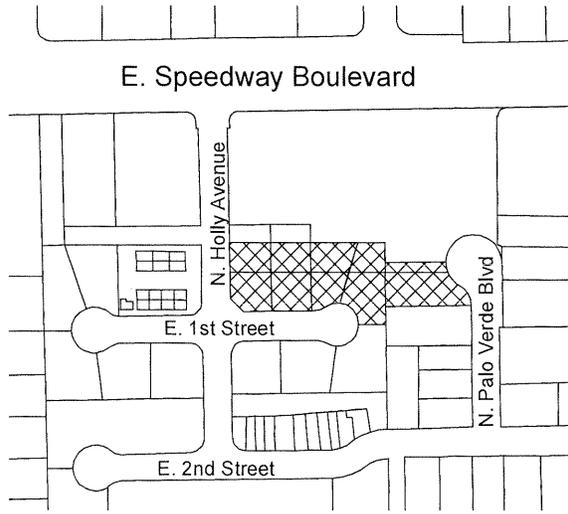


DETAIL



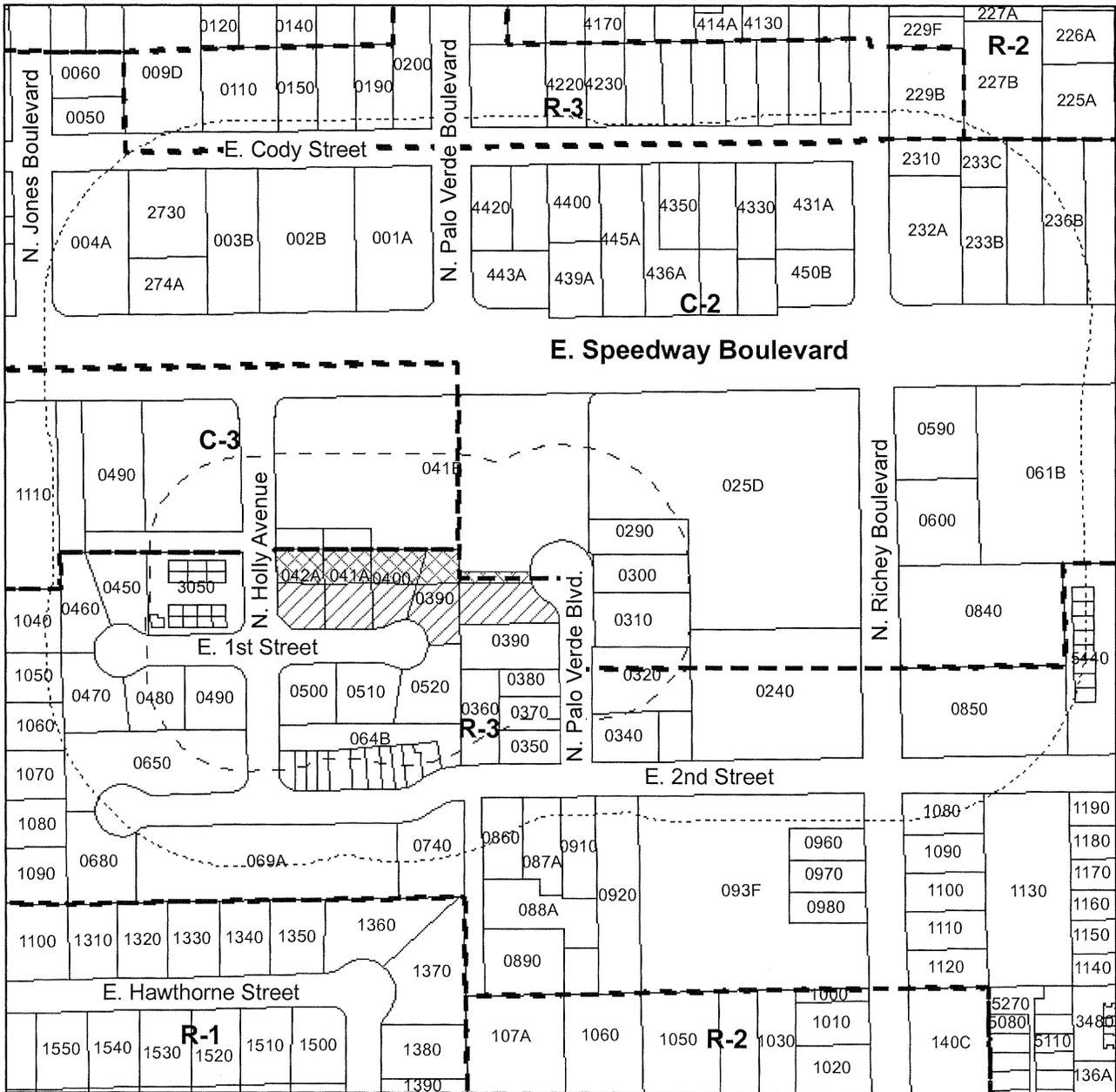
CASE LOCATION MAP

C9-07-33

3455-3466 E. 1st Street

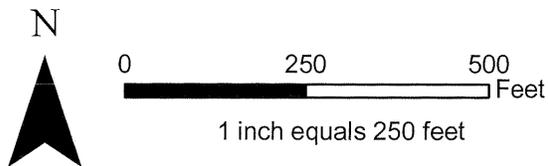


**CITY OF
TUCSON**



C9-07-33 Quebedeaux - 1st Street
 Rezoning Request: from R-3 to P & C-2

-  Area of Rezoning Request to C-2
-  Area of Rezoning Request to P
-  Protest Area (150 foot radius)
-  Notification Area (300 foot radius)
-  Zone Boundaries



Neighborhood, Area Plan(s): Alvernon - Broadway Area Plan
 Address: 3455 - 3465 E. First Street
 Base Maps: Sec.9 T.14 R.14
 Ward: 6





C9-07-33 Quebedeaux - 1st Street
January 2008 Aerial



MEMORANDUM

DATE: February 20, 2008
For March 6, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-07-33 Quebedeaux - 1st Street, R-3 to P and C-2 (Ward 6)

Issue – This is a request by Michael Marks, on behalf of the property owners, Firmsmark LLC and Hollmark LLC, to rezone approximately 0.65 acres from R-3 to P zoning and approximately 0.41 acres from R-3 to C-2 zoning. The rezoning site is located at the northeast corner of Holly Avenue and 1st Street (see Case Location Map). The preliminary development plan (PDP) proposes an expansion to the Quebedeaux car dealership, which will consist of a new 440 square-foot storage building and a new vehicle parking area for employees, inventory and sales on approximately 1.06 acres.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of the requested P and C-2 zoning, subject to the attached preliminary conditions.

Background Information

Plan Amendment - The applicant successfully processed an amendment to the *Alvernon-Broadway Area Plan* to allow for commercial and office uses, in addition to the high-density residential uses already permitted, on the rezoning site (Resolution No.20645 adopted April 24, 2007).

Existing Land Use: Single-family and multi-family residential, and a paved lot

Surrounding Zones and Land Uses:

North: Zoned C-3 and C-2; car dealership
South: Zoned R-3; multi-family residential
East: Zoned C-2; car dealership and multi-family residential
West: Zoned R-3; multi-family residential

Previous Cases on the Property: none

Related Cases:

C9-97-11 Downtown Development Corporation - 5th Avenue, R-3 to P, C-2 and C-3 This was a rezoning request for 1.87 acres located on the east and west sides of Fifth Avenue, north of Sixth Street to allow the development of residences, art studios, rehearsal and performance spaces, an art gallery, restaurant, and offices in the former Lohse YMCA building. On September 9, 1997, the Mayor and Council voted 6 to 0 to adopt Ordinance No. 8940. On October 14, 2002, the Mayor and Council voted 5 to 0 pass and adopt Ordinance No. 9779 to allow a five-year time extension. The time for compliance with the conditions of rezoning expired on September 9, 2007. The case has been closed.

C9-03-05 Costco - Grant Road, R-3 to P This was a rezoning request for 2.43 acres located north of Grant Road, south of the Pantano Wash, approximately 800 feet west of the Wilmot Road alignment to allow for a 98 space expansion of the parking lot serving the existing retail/commercial use. On September 15, 2003, the Mayor and Council voted 7 to 0 to authorize the rezoning request.

Applicant's Request – The applicant requests P and C-2 zoning to allow for an expansion to the Quebedeaux car dealership which will consist of a new 400 square-foot storage building and a new vehicle parking area for employees, inventory and sales on approximately 1.06 acres.

Planning Considerations

Land use policy direction for this area is provided by the *Alvernon-Broadway Area Plan* and the *General Plan*. *Alvernon-Broadway Area Plan* policies are intended to minimize the expansion of nonresidential uses into existing neighborhoods. Policies support the redevelopment of existing uses if offsite impacts, especially on adjacent residential areas, can be minimized. Screening and buffering of adjacent residential properties must be provided onsite, and noise-generating uses must be located away from residential uses. Land use plan policies can support the use if it can be designed to fit in with the neighborhood.

General Plan policies protect established residential neighborhoods, and support the expansion of commercial uses into residential areas when logical boundaries, such as streets, can be established; and screening and buffering can be provided. Other policies promote enhancing the visual character of an area, and neighborhood identity. Quality in design is promoted for all new development and redevelopment.

The location of the rezoning site is at the southwest portion of the car dealership and consists of five parcels or portions of parcels that run contiguously on the north side of 1st Street between Holly Avenue and Palo Verde Boulevard. Located west of Holly Avenue and the rezoning site are two-story apartments zoned R-3. The car dealership abuts the site to the north and is zoned C-3 and C-2. The uses east of the site consist of the car dealership and apartments, both of which are zoned C-2. Multi-family units, zoned R-3, are located south of 1st Street and the rezoning site.

The rezoning site is an expansion of the existing car dealership. Vehicular access to the site will be provided via the existing driveway entrances to the dealership, north of the rezoning site, from either Speedway Boulevard or Holly Avenue. Speedway Boulevard, identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is approximately 250 feet north of the rezoning site.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) concurs with the traffic report provided with the Design Compatibility Report (DCR) that the net increase in trip generations does not warrant an extensive review of traffic operations and does not require the need for mitigation.

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

Design Considerations

Land Use Compatibility – The rezoning site currently consists of residential uses and a paved lot. The current boundary between residential uses and the car dealership is at the northern edge of the rezoning site, which is the northern/rear property boundary of the residential lots. One might consider this a “soft” boundary, as compared to a “hard” boundary, such as a street, alley or wash. If the proposal can be implemented in a manner compatible with the neighborhood, then an expansion of the dealership south to East 1st Street would create a more logical and well-defined boundary than the current one. East 1st Street would then serve as the neighborhood edge.

The request to rezone the site to allow for parking and a new storage building can be supported by policies if impacts to nearby residential uses are minimized. When locating non-residential uses adjacent to residential areas, surface parking can provide a transitional or buffer zone between more intense uses and the residential areas. In this case, the southern-most portion of the site, which would be rezoned to P, would be used for parking for employees, inventory and customers. No new buildings are proposed in this area. Parking of vehicles for display, and damaged vehicles, are not permitted in the “P” zone, based on an interpretation by the Zoning Administrator. Those activities would occur in the C-2 area. The area north of the “P” zone would be rezoned to C-2, which would allow construction of a new storage building, as well as parking of vehicles for sale, in addition to parking for employees, inventory and customers. Though both the P and C-2 areas would be available for customer parking, it is anticipated that customers will park closer to the sales building, which is north of the rezoning site and closer to Speedway Boulevard.

The overall design theme should be consistent with or compliment the surrounding neighborhood. Screening and buffering should be provided onsite and noise-generating uses should be located away from adjacent residential uses and zones. Visual screening adjacent to the neighborhood will be provided by a masonry wall along the southern, western and eastern edges of the rezoning site, with a 10-foot wide landscape border outside the screen wall. To enhance the visual appeal along this edge, the screen wall will have a decorative design, and it should be constructed of graffiti-resistant materials or painted with graffiti-resistant paint. The materials, color, and decorative pattern of the wall are to be consistent with the overall design treatment of the dealership; and,

pattern of the wall are to be consistent with the overall design treatment of the dealership; and, the wall treatment should complement the existing design character of the neighborhood. To provide maximum screening adjacent to the neighborhood, canopy trees in the perimeter landscape border shall be planted 25 feet on center.

The parking lot and storage building are not expected to generate much noise. Site activity should occur at times that are not disruptive to neighborhood residents, as dealerships typically are not open late in the evening or on Sundays. Some noise will be generated from the collection of refuse from the site. The refuse collection area, located on the western edge of the planned Palo Verde Road cul-de-sac (at the northeast corner of the rezoning site), is 50 feet from the residential area to the south, which should be sufficient to prevent noise and odor problems. However, the applicant should be aware that refuse storage locations, when adjacent to non-Major Streets and Routes, are to be located behind the street landscape border. This does not appear to be demonstrated on the preliminary development plan.

Drainage/Grading/Vegetation – The site does not lie within a mapped floodplain, but, it is known that the area has drainage problems from sheet flooding and flow in the adjacent north-south roadways (Holly Avenue, Palo Verde Avenue, Richey Boulevard). The site lies in the Christmas Wash watershed, a non-designated watershed. Detention is not required. However, threshold retention will be required because the overall site area is greater than one acre. The use of water harvesting is required and will help offset the required retention volume.

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 vegetative locations on the site. Specifications for water harvesting shall be clearly delineated on site plans to ensure it is correctly implemented at all necessary stages of construction.

The urban heat island effect is associated with dark, heat absorbent surfaces in the urban area. The solar heating of these surfaces results in increased air temperatures within the immediate area. The need to mitigate the urban heat island effect is recognized in the Urban Landscape Framework. Staff are engaging this issue and will pursue the development of Land Use Code amendment to create the regulatory tools needed to help reduce the urban heat island impacts – especially those associated with large parking lots. An increased number of trees should be planted in the employee vehicle use areas to help mitigate urban heat island effect.

Road Improvements/Vehicular Access/Circulation – The number of vehicle access points for new development should be minimized and all parking and maneuvering should be accommodated onsite, or in areas that historically have been used for that purpose. Vehicular access to the site, as demonstrated in the PDP and DCR, will be provided via the existing driveway entrances to the dealership, north of the rezoning site, from either Speedway Boulevard or Holly Avenue. Any new access points proposed along Speedway Boulevard must provide a 25-foot radius return. A "right-turn only" sign shall be placed at the Holly Avenue exit, to help reduce the amount of traffic circulating through the neighborhood. All unused curb cuts shall be

closed along the frontage of the rezoning site adjacent to East 1st Street, Holly Avenue, and Palo Verde Boulevard.

Letter of Understanding - A letter dated January 21, 2008, was submitted by the applicant in reference to an agreement that was reached between the Miramonte Neighborhood Association and the Quebedeaux Car Dealership. The contents of the "Letter of Understanding" include seven (7) conditions that both parties have agreed to by signing the document. Those conditions (listed below) are incorporated into the preliminary conditions as follows:

1. The proposed rezoning shall be to a combination of the P and the C-2 zones. The area of each and the division between the two proposed zones is depicted on the Preliminary Development Plan. Generally speaking, the P zoning district shall abut the south boundary and make up a depth of 70 feet along N. 1st Street where it is a tangent and somewhat less around the cul-de-sac bulb. The C-2 zone shall be north of that line.

This condition is covered and addressed in Condition 1 of the preliminary conditions.

2. The development shall be in conformance with that depicted on the Preliminary Development Plan presented with the rezoning application. Specifically no building other than the Storage Building shall be installed in the proposed C-2 rezoning area without a modification to the rezoning (i.e. a 'change of plan') being approved which would require a new neighborhood meeting and hearing before the Mayor & Council.

A statement addressing the 'change of plan' has been added as Condition 2 of the preliminary conditions.

3. There shall be a 10-foot landscape border along Holly Ave and N. 1st Street and the balance of the south property line and along the Palo Verde frontage. A landscape plan shall be presented to the Miramonte Neighborhood Association for its review and comment and all reasonable comments will be incorporated to the greatest extent possible. Quebedeaux will install a drip irrigation system within the landscape border and will maintain the landscaping.

This has been added to the preliminary conditions as Condition 17.

4. A 'Right Turn Only' sign shall be installed at the Holly Ave exit, just north of the rezoning district, to direct exiting vehicles to Speedway Boulevard.

This condition is addressed in Condition 20 of the preliminary conditions.

5. In connection with the development of the expansion project Quebedeaux will build a sidewalk in Holly Ave.

This has been added to the preliminary conditions as Condition 23.

6. Consent will be given to the City to install a 'No Loading' zone on Holly Ave.

This condition is acknowledged but will not be added to the preliminary conditions.

7. Employee parking will be provided onsite, with one of the areas being within the expansion area. 'Employee Parking' signage will be installed.

This has been added to the preliminary conditions as Condition 14.

Conclusion – The rezoning proposal is consistent with and supported by the policy direction in both the *Alvernon-Broadway Area Plan* and the *General Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested P and C-2 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated December 19, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Any new structures on the rezoning site, other than the proposed storage building, will be considered a major change to the preliminary development plan and shall require a new neighborhood meeting and public hearing before Mayor and Council.
3. 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".
4. 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.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
7. 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.
8. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

9. Architectural detailing on the rear and side elevations of the new building shall be consistent with that on the front elevation. Color elevations provided with the development plan shall demonstrate compliance with this condition.
10. Exterior mechanical equipment, including any on the roof, shall be screened from view. Color elevations provided with the development plan shall demonstrate compliance with this condition.

Preliminary Conditions

11. The perimeter screen wall shall have a decorative design, and it shall be constructed of graffiti-resistant materials or painted with graffiti-resistant paint. A wall detail demonstrating compliance with this condition shall be provided with the development plan.
12. Six (6) inch wide fence block or greater shall be used for perimeter walls.
13. The overall design theme shall be consistent with or complement that in the surrounding neighborhood. Photographs of the surrounding areas and a brief explanation of how this condition is being met shall be provided with the development plan submittal to demonstrate compliance with this condition.
14. Employee parking shall be provided onsite, with one of the areas being within the expansion area. 'Employee Parking' signage shall be installed within the new expansion area.

DRAINAGE/VEGETATION

15. 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 side slopes 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. Retention within water harvesting areas of less than one-foot depth will not be subject to the above conditions numbered 15.a. through 15.e.
 - g. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines

Preliminary Conditions

16. The refuse storage location shall be located on the commercial portions of the site and behind a street landscape border.
17. A 10-foot landscape border shall be provided along Holly Avenue and 1st Street and the balance of the south property line and along the Palo Verde frontage. A landscape plan shall be presented to the Miramonte Neighborhood Association for its review and comment and all reasonable comments will be incorporated to the greatest extent possible. Owner/developer shall install a drip irrigation system within the landscape border and maintain the landscaping.
18. Canopy trees in the street landscape borders shall be planted 25 feet on center.
19. Within the employee vehicular use area, one canopy tree shall be provided for every four motor vehicle parking spaces. Alternatively, the applicant shall demonstrate, through a shade pattern analysis, that shade coverage will be provided for at least 50% of the employee vehicle use area, from 9:20 a.m. to 3:20 p.m. PST on June 21, with shading provided by mature canopy trees, buildings and/or other structures.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

20. A “right-turn only” sign shall be posted at the Holly Avenue exit near the northwest corner of the rezoning site.
21. All new access points proposed along Speedway Boulevard must provide a 25-foot radius return.
22. All unused curb cuts shall be closed along the frontage of the rezoning site adjacent to East 1st Street, Holly Avenue, and Palo Verde Boulevard.
23. The owner/developer shall construct a new sidewalk on Holly Avenue abutting the rezoning site.