



MEMORANDUM

DATE: February 27, 2008
For March 13, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: *Albert Elias*
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-07-34 Wesson Company, LLC, R-1 and MH-1 to O-1 (Ward 3)

Issue – This is a request by Daniel Wesson Company, LLC, on behalf of the property owners, C38 Development LLC, to rezone approximately 1.18 acres from R-1 to O-1 zoning. The rezoning site is located on the west side of Campbell Avenue, approximately 360 feet north of Allan Road (see Case Location Map). The applicant proposes a single story medical office building, 16 feet in height and 10,400 square feet in size.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of O-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped

Surrounding Zones and Land Uses:

North: Zoned MH-1; Mobile home park

South: Zoned R-1; undeveloped

East: Zoned PAD 11; Medical Office (University of Arizona Cancer Center)

West: Zoned MH-1; Single family residences

Previous Cases on the Property: None.

Related Cases:

C9-90-15 Sotelo – Grant Road R-1 to O-1. This was a request to rezone 0.42 acres located on the southwest corner of Grant Road and Cherry Avenue and 75 feet west across the street from the subject property to allow medical offices. The rezoning request was authorized by the Mayor and Council on November 14, 1990. The Mayor and Council amended the plan and adopted Ordinance No. 7593 on March 18, 1991. On November 4, 1991, the conditions were amended and Ordinance No. 7706 was adopted. The case was closed on June 27, 1991, with a site inspection and release of the certificate of occupancy.

C9-91-16 Gardner – Grant Road R-1 & R-4 to O-1. This was a request to rezone 1.02 acres located on the southwest corner of Grant Road and Vine Avenue to change a residence to one and two story offices. The request was authorized by the Mayor and Council on December 9, 1991. On December 12, 1995, Ordinance No. 8616 was adopted. The conditions were met and the case was closed on November 14, 1996.

C9-96-19 Andaloro – Campbell Avenue R-1 to O-1. This was a rezoning request on 0.57 acres of property located on the northwest corner of Campbell Avenue and Seneca Street to allow for medical offices. The Mayor and Council approved the rezoning request on March 3, 1997, and adopted Ordinance No. 9188 on January 4, 1999. The case was closed on March 1, 1999, when a site inspection indicated that the conditions had been met.

C9-05-03 Caylor – Speedway Boulevard R-1 to O-1. This was a request to rezone approximately 2.16 acres from R-1 to O-1 to construct a 22,000 square foot, one-story office structure. The site is located at the southeast corner of Speedway Boulevard and Barbara Worth Drive. On May 4, 2006 the Mayor and Council adopted Ordinance No. 10276 and building permit number T06CM01911 was issued on June 9, 2006, effectuating the zoning. The case was closed on August 3, 2006.

Applicant's Request – The applicant request O-1 zoning for approximately 1.18 acres, located on the west side of Campbell Avenue, approximately 360 feet north of Allan Road, to allow a single story medical office building, 16 feet in height and 10,400 square feet in size.

Planning Considerations

Land use policy direction for this project is provided by the *Northside Area Plan (NSAP)* and the *General Plan*. The *Design Guidelines Manual* also provides guidance for development. The proposed rezoning site is within an area identified as Area #2 of the Campus Farms Subarea where medical and professional offices are supported by plan policies. The *NSAP* encourages development that is compatible with existing non-residential uses, and it encourages buffering less intense uses adjacent to the site with landscape plantings, masonry walls and pedestrian scale security lighting. In addition, the *General Plan* recommends designing non-residential development with sensitivity to adjacent residential neighborhoods. Single story structures, with

a maximum height of 26 feet, and the use of southwestern motifs in architectural style, colors and landscaping, are also recommended by the *NSAP*.

The Campus Farm Subarea design guidelines encourage perimeter walls combined with vegetation that will reach fifty percent of its mature growth and provide fifty percent of the screening within the first two growing seasons. The policies also specifically support the retention of mature trees with a caliper of four inches or greater. As an alternative, mature trees may be replaced with trees of comparable size and density. These policies demonstrate a priority to include vegetative buffers/screens at the edges of the new development. Lights, no taller than ten feet, are specified for outdoor lighting in the Campus Farm Design Guidelines. Flood control policies specified for the Campus Farm Subarea encourage new development to incorporate gutters and water catchment systems to enhance on-site groundwater recharge.

The rezoning site is an irregularly shaped parcel, bounded to the north by a mobile home development, single family residences to the west, an undeveloped parcel to the south and the University of Arizona Cancer Center across Campbell Avenue to the east. The *NSAP* supports new non-residential uses on vacant parcels when access is provided from an arterial street and vehicular and pedestrian circulation are integrated with adjacent non-residential uses. Vehicular access to the site is proposed from Campbell Avenue. Campbell Avenue is identified as a gateway arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map. Because the existing Campbell Avenue right-of-way is 100 feet, additional right-of-way dedication is required on the west side of Campbell Avenue.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 376 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The applicant proposes a southwestern style, single story, medical office with a maximum height of 16 feet. Parking is located on the north and west sides of the structure and the building face is oriented to the north. Retention basins are proposed along the north and west property lines. A landscape border, ten feet in width, is proposed on the east side of the structure. Color elevations depicting the architectural treatment all four sides of the proposed structure, a color pallet and/or exterior paint scheme will be required during the development review process.

The rezoning site is elevated approximately ten feet above the adjacent mobile home park to the north, with a slightly less grade change between the site and the residential development to the west. The grade changes abruptly, especially along the northern edge. Therefore, the proposed development requires a retaining wall along the full northern and western perimeter. Based on the site plan, the existing vegetation along the northern perimeters will be removed to construct a retaining/screen wall, approximate twelve feet in height, with an additional above grade

perimeter wall along the northern edge. Grade infill will level the interior of the site to satisfy on-site drainage and on-site parking and maneuvering requirements.

With the addition of the wall, the adjacent mobile park residents to the north of the rezoning site will be viewing a combination retaining/perimeter wall, approximately twelve feet tall. Staff recommends that the wall be designed with color and texture variations to visually break up the wall surface. In addition, the applicant should consider stepping back the perimeter wall from the top of the retaining wall. The area between the top of the retaining wall and the perimeter wall could be landscaped to help mitigate the mass and scale of the the proposed walls.

Drainage/Grading/Vegetation – The rezoning site does not lie within a designated balanced or critical basin. However, the *NSAP* has language regarding the treatment of the area as a critical basin pending completion of a basin management plan, the Tucson Stormwater Management Study (TSMS) has not determined that the area qualifies as a critical basin or balanced basin. Phase III of the TSMS, completed in May 1998, has sufficient detail to qualify as a basin management plan. Since the site area is greater than 1 acre, threshold retention is required. Soils are Hydrologic Type C and Type D. These soils are generally poor draining soils.

The applicant's grading plan indicates that six drainage holes are to be located in the retaining wall approximately six inches above the grade of the retention basin located along the inside of the wall. The exterior of the retaining wall is designed to be stepped out at one-inch increments, just below the drainage holes, to allow the drainage/overflow to cascade down the wall. The owner/developer is proposing on-site retention and detention to capture the five-year storm volume.

Road Improvements/Vehicular Access/Circulation – The rezoning site fronts Campbell Avenue, which provides access to the rezoning site. The signalized intersection at Campbell Avenue and Allan Road is approximately 230 feet south of this site. During peak traffic hours, exiting north onto Campbell Avenue from the site may be difficult. Tucson Department of Transportation Traffic Engineering recommends the owner/developer prepare a traffic impact analysis to address off-site mitigation including; 1) the need for a right turn/deceleration lane at the proposed rezoning site access point, 2) potential access restrictions into the site, i.e., right in/right-out, and 3) potential median improvements associated with these restrictions. In addition, staff recommends that the on-site vehicular circulation system be designed to integrate with adjacent parcel(s) to the south when development occurs on those properties.

Conclusion – The proposed rezoning is generally consistent with the policy direction provided by the *Northside Area Plan* and the *General Plan* policies for this area. Subject to compliance with the attached preliminary conditions, approval of the requested O-1 zoning is appropriate.

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated December 26, 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. 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. Dedication, or verification of existence, of right-of-way, per the Major Streets and Routes Plan, along the Campbell Avenue site frontage.
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. All buildings shall be designed with “four-sided architecture” such that the architectural detail and character on the sides and rear shall be comparable with that on the front. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
10. Exterior mechanical equipment shall be screened and integrated into the overall site design. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
11. 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.

12. Six (6) inch wide fence block or greater shall be used for perimeter walls.
13. Prior to development plan approval, the perimeter retaining/screen wall proposed along the north and west property boundaries shall be approved by the Department of Urban Planning and Design. Wall design shall include a combination of block material such as; split face, textured, and southern motif color. Color elevations and a color palette shall be submitted with the development plan(s) to demonstrate compliance with this condition.

DRAINAGE/GRADING/VEGETATION

14. Parking areas shall be landscaped with one (1) tree for every four (4) parking spaces. Trees planted within perimeter landscape borders shall be planted 25 feet on center.
15. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
16. Owner/developer shall provide landscaping in the adjacent Campbell Avenue right-of-way, to the extent approved by the City Engineer.
17. Owner/developer shall retain mature trees with a caliper of 4 inches or greater on site or replace with new mature vegetation of comparable size and density.
18. The Native Plant Preservation and Landscape Plans shall indicate the preservation, transplantation, or replacement with similar size, of each of the thirty existing *Prosopis velutina* (Velvet Mesquite) on site.
19. Preparation of a complete Drainage Report, including details of detention/retention, is required and 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.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

- 20. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the Public.
- 21. Installation of appropriate turn lanes on Campbell Avenue as determined by TDOT Traffic Engineering.
- 22. Installation of new six feet wide (6') wide sidewalks along the Campbell Avenue site frontage (at locations where there are not existing sidewalks and/or locations where the existing sidewalk needs to be removed/modified/repaired).
- 23. Closure of any existing unused curb cuts/driveways along the Campbell Avenue site frontage.
- 24. Due to the proposed trips generated by this development, a Traffic Impact Analysis shall be submitted during the review process providing an analysis for potential off-site traffic mitigation and improvements. In addition to the potential off-site mitigation or improvements deemed necessary by the consulting Traffic Engineer, the Traffic Impact Analysis (TIA) shall address the following potential off-site mitigation/improvements.
- 25. The potential need for a right turn/deceleration lane at the proposed access point to the site, The potential access restrictions into the proposed site such as (right in/right out only) and, any median improvements associated with this restriction.
- 26. On-site vehicular circulation shall be designed to allow it to be integrated with the adjacent parcel to the south.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-07-34 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-07-34.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-07-34.

Dated this _____ day of _____, 20__.

OWNER

By: _____

Subscribed and sworn to before me this _____ day of _____, 200__.

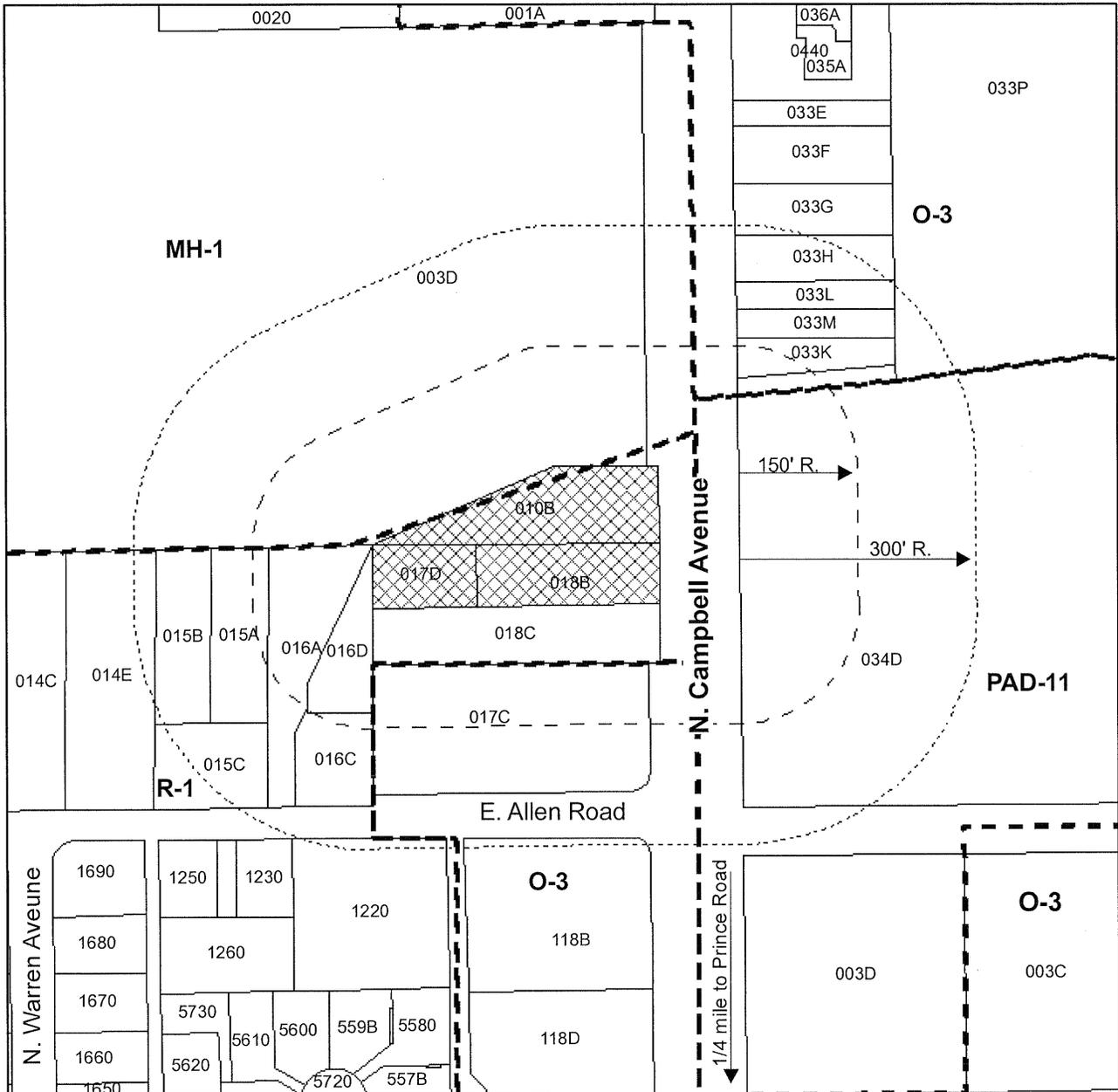
Notary Public

My Commission expires:

City of Tucson, an Arizona municipal Corporation

By: _____
Department of Urban Planning and Design

This form has been approved by the City Attorney.



C9-07-34 Wesson Company LLC - Campbell Road

Rezoning Request: from R-1 & MH-1 to O-1



0 100 200 Feet

1 inch equals 200 feet

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

Neighborhood, Area Plan(s): Northside Area Plan
 Address: 3883 N. Campbell Avenue
 Base Maps: Sec.30 T.13 R.14
 Ward: 3

