



MEMORANDUM

DATE: April 23, 2008
For May 8, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

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

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-08-02 Mariscos - Grant Road, R-2 to C-1 (Ward 3)

Issue – This is a request by Ben Buehler-Garcia, on behalf of the property owner, Graciela Garcia Valle, to rezone approximately 0.23 acres from R-2 to C-1 zoning. The rezoning site is located on the south side of Grant Road between Sixth and Fourth Avenues behind Mariscos Chihuahua Restaurant (see Case Location Map). The preliminary development plan proposes to provide required parking, a loading zone, and a trash dumpster in order to support the north adjacent restaurant.

The rezoning site is currently used as a parking lot for the restaurant. The parking lot has been shown on previous site plans involving additions and facade work to the restaurant but the parking lot itself was never reviewed and approved by City staff. A temporary use permit (TUP) has been issued for parking while the owner/applicant seeks approval for the rezoning in order to bring the site into compliance. Should Mayor and Council authorize the request, the owner/applicant will have one year to comply with the conditions of the rezoning.

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

Background Information

Existing Land Use: illegal parking lot and undeveloped land

Surrounding Zones and Land Uses:

North: Zoned C-1; restaurant

South: Zoned R-2; city park

East: Zoned R-2; undeveloped land

West: Zoned C-1, C-2, R-2; used car sales and undeveloped land

Previous Cases on the Property: none

Related Cases:

C9-04-25 DeConcini – Mission Road, R-2 to C-1 This was a rezoning request for 0.43 acres located on east side of Mission Road, approximately 300 feet north of Drexel Road to allow the development of a 1,914 square foot commercial building for a take-out and delivery food service. On May 3, 2005, Mayor and Council voted 6 to 0 to authorize the rezoning request.

C9-06-31 Summit Development - Fort Lowell Road, R-2 to C-1 This was a rezoning request for 5.6 acres located at 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.

Applicant's Request – The applicant proposes to provide required parking, a loading zone and trash dumpster on 0.23 acres in order to support the adjacent restaurant.

Planning Considerations

Land use policy direction for this area is provided by the *University Area Plan* and the *General Plan*. *General Plan* policy supports appropriate locations for commercial and office uses, with priority for development and redevelopment within the existing urbanized area, located in the Central Core and Mid-City Growth Areas. The *University Area Plan* supports the development of new commercial and office activities, which complement the scale and character of neighborhoods and commercial districts in the University Area.

Both *Plans* indicate that new developments should demonstrate sensitivity to surrounding uses through design, location, orientation, landscaping, screening and transportation. The *Plans* also discuss the use of screening and buffering techniques to facilitate integrating commercial development into existing neighborhoods. *University Area Plan* policy also encourage the consolidation of adjacent development parcels in order to provide integrated circulation and access while reducing the number of vehicular curb cuts along a street. The proposed rezoning can be supported by the *University Area Plan* assuming that primary access is from an arterial or collector street, vehicular traffic is directed away from the interior of the residential area, adequate intensity transitions are provided, and appropriate screening and buffering are provided.

The rezoning site, located behind an existing restaurant, is currently undeveloped with the northern portion covered with asphalt and used as parking for the restaurant. The north adjacent parcel, zoned C-1, is currently occupied by the restaurant use. The west adjacent parcel, zoned C-1 and C-2 on the approximate north half and R-2 on the remaining south half, is currently occupied by a used car sales lot. The south R-2 portion of the lot is primarily undeveloped with the exception of an area that is covered with asphalt. The east adjacent parcel, also zoned R-2 is currently undeveloped. Located south of Sahuaro Street and the rezoning site is Mansfield Park; a city park zoned R-2.

Vehicular access to the rezoning site is proposed from Grant Road. Grant Road, identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is north of the rezoning site. West of the site is Sixth Avenue, a collector street with a future right-of-way width of 64 feet. Sahuaro Street is the south adjacent street; however, it is not identified on the *Major Streets and Routes Plan* map as an arterial or collector street.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate a minimal change in traffic flow.

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

Design Considerations

Land Use Compatibility – The rezoning site is located within a block bounded by Grant Road on the north, Fourth Avenue on the east, Sahuaro Street on the south and Sixth Avenue on the west. The northern half of the block is zoned for and developed with commercial uses and the southern half of the block, where the rezoning site is located, is zoned for residential uses. The rezoning request does not include the entire parcel that is located to the south of the restaurant; the request of C-1 is for the north portion of the parcel measuring approximately 9,800 square feet. The remaining southern half, approximately 9,848 square feet in size, will remain R-2.

The Design Compatibility Report and preliminary development plan propose to bring the site into compliance by rezoning the minimum amount of land necessary to accommodate vehicle parking, loading zone, and a trash dumpster to support the north adjacent restaurant while maintaining a residentially zoned area to the south. The project will require the use of screening and buffering techniques to facilitate integrating commercial development into existing neighborhoods. Elements such as, but not limited to, drought-tolerant landscaping, masonry walls, earthen berms, and outdoor lighting should be utilized in the design to provide an attractive and effective barrier to undesirable access, noise, odor or views. The Design Compatibility Report states that a six-foot high, decorative masonry wall shall be provided on the south, west, and east property boundaries where adjacent to R-2 zoned lots. The length of these walls requires the application of decorative features that are graffiti resistant. These features include the use of decorative materials such as tile, stone, or brick; variation in wall alignment; and, the use of vegetation, including trees, along the lengths of the walls.

The transition from commercial to residential also requires appropriate site planning for the project. The proposed loading zone should be located as far north on the parcel as possible and in alignment with the existing and proposed trash collection area. This location will be consistent with the activity located to the west of the site. The existing and proposed trash collection area is located adjacent to commercial use east of the parcel. This location does not meet the normal standard of 50 feet from residentially zoned property. However, the location is acceptable given site constraints when combined with the buffering provided by the proposed six-foot high concrete masonry perimeter wall and the 10-foot drought-tolerant landscape border proposed for the site.

Drainage/Grading/Vegetation – The Design Compatibility Report states that a ten-foot wide landscape border with drought tolerant vegetation will be provided around the interior of the rezoning site. Water harvesting techniques will be employed to reduce the amount of potable water used to maintain the area. It is recommended that trees planted within the landscape border be placed no farther than 25' apart along masonry screen walls. The preliminary development plan does not show any landscaping within the parking lot. Staff will recommend that one tree per every four parking spaces within the parking lot be provided to help reduce the urban heat island (UHI) effect of concrete and asphalt. Trees not only help with reducing the UHI effect but they also visually screen adjacent development, provide shade for pedestrians, and improve the overall aesthetics of a development site.

Road Improvements/Vehicular Access/Circulation – The Design Compatibility Report and preliminary development plan indicate that vehicle access and circulation will be maintained under the existing one-way counter-clockwise pattern. Access to the restaurant and proposed parking area will be provided via an existing driveway off of Grant Road. As an improvement to the existing trash collection area, a 50-foot approach and radius circulation area will be provided on-site. The preliminary development plan does not clearly show any pedestrian paths. It is recommended that these paths be designed for the entire site and that on-site pedestrian routes should be clearly defined from the parking areas and from off-site pedestrian routes.

Conclusion – The rezoning proposal is consistent with and supported by the policy direction in both the *University Area Plan* and the *General Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated March 11, 2008, 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. One year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

7. All trash collection areas and loading zones shall be located no further south than shown on the preliminary development plan. All trash collection areas shall be screened with walls and vegetation.
8. Any proposed outdoor lighting shall be directed down and away from residentially zoned properties and public roadways and be as low in elevation as possible.
9. The 10-foot wide landscape border around the perimeter of the site shall consist of drought tolerant, low-maintenance vegetation and will include trees spaced at intervals no greater than 25 feet.
10. To reduce the urban heat island impact within the parking 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.

Preliminary Conditions

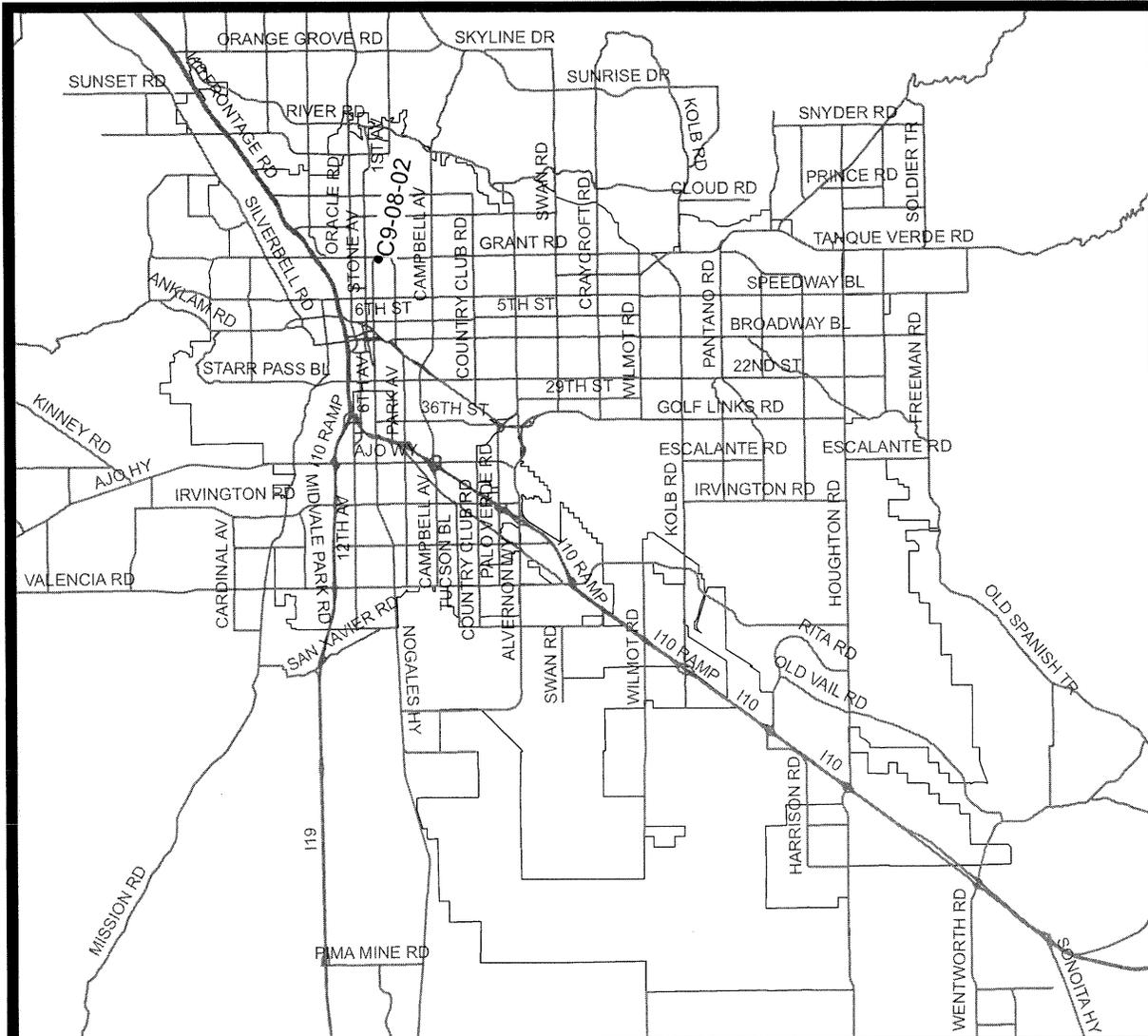
11. The owner/applicant shall provide a six-foot high block wall along the south, east and west perimeter of the site.
12. Six (6) inch wide fence block or greater shall be used for perimeter walls.
13. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Screen walls visible from the public right-of-way or when adjacent to residentially zoned property, shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.

DRAINAGE/GRADING/VEGETATION

14. 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.
15. Water harvesting techniques shall be incorporated into the development in accordance with C.O.T. Water Harvesting Guidance Manual. Specifications for water harvesting shall be clearly delineated on site plans to ensure it is correctly implemented at all necessary stages of construction.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

16. The owner/applicant shall clearly delineate at least one pedestrian access point on the street frontage from Grant Road and pedestrian circulation from these access points to the commercial building and rear parking lot on the site plan.



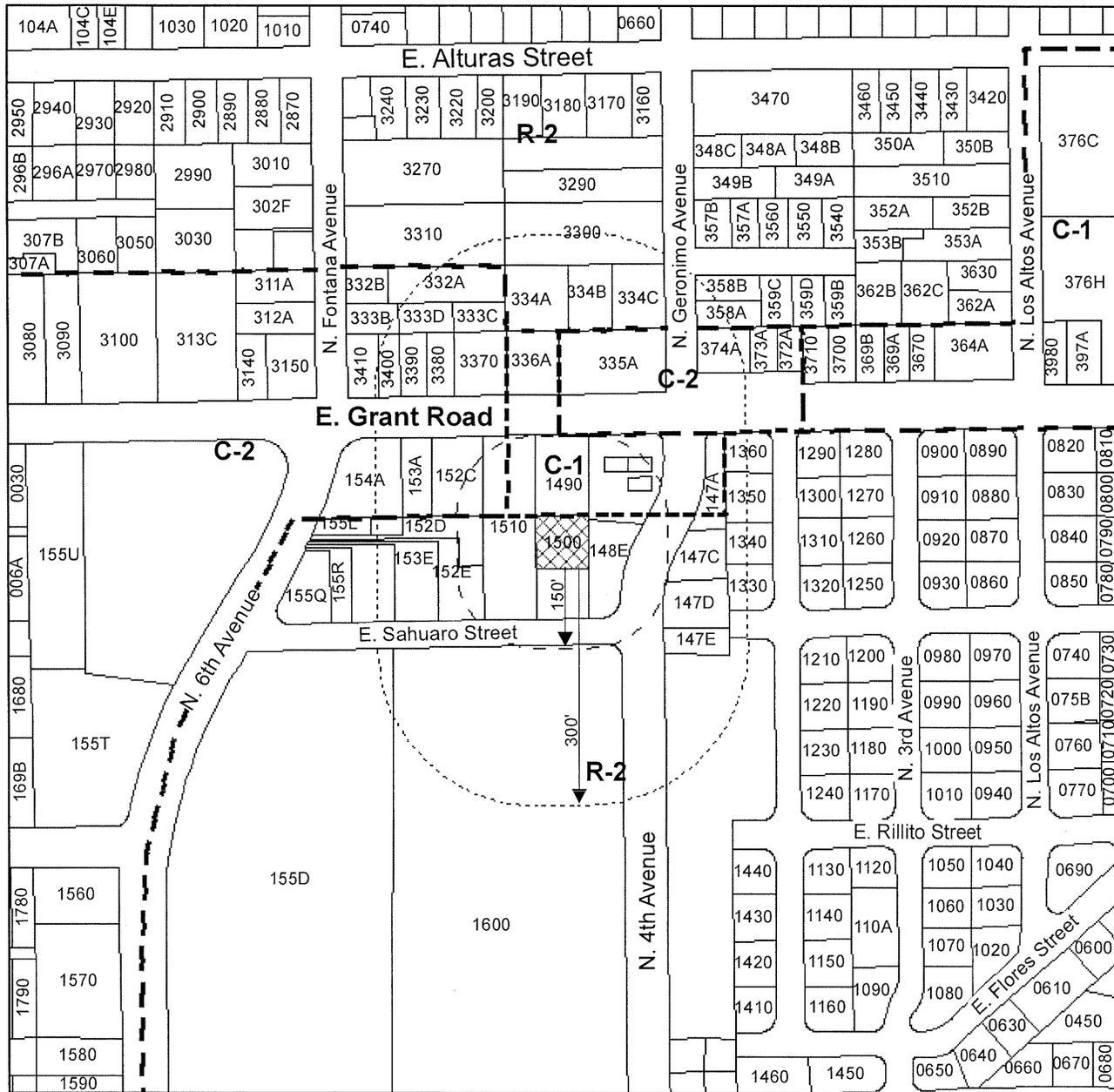
CASE LOCATION MAP

CASE NO. C9-08-02

LOCATION: 356 E. Grant Road

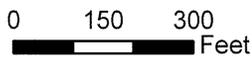


**CITY OF
TUCSON**



C9-08-02 Mariscos - Grant Road

Rezoning Request: from R-2 to C-1



1 inch equals 300 feet

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

Neighborhood, Area Plan(s): University Area Plan
 Address: 356 E. Grant Road
 Base Maps: Sec.01 T.14 R.13
 Ward: 3





C9-08-02 Mariscos - Grant Road
April 2, 2008 Aerial