



MEMORANDUM

DATE: July 30, 2008
For August 14, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-08-09 Lowe's - Speedway Boulevard, C-1 to C-2 (Ward 2)

Issue – This is a request by Mahir Waber, on behalf of the property owners, Sunrise LG LLC, to rezone approximately 0.19 acres from C-1 to C-2 zoning. The rezoning site is located on the northeast corner of Speedway Boulevard and Kolb Road (see Case Location Map). The preliminary development plan proposes an 8,300 square-foot expansion to the Lowe's Home Improvement Store to be used as a staging area not accessible to the general public.

A large retail establishment (LRE) use or in this case an expansion to an existing LRE requires approval through a Zoning Examiner Legislative Procedure (Sections 5.4.1 and 5.4.3 of the *Land Use Code*). This process requires a recommendation from the Development Review Board and the Development Services Department regarding compliance with required design criteria, an overall recommendation from the Director of the Development Services Department, a public hearing before the Zoning Examiner, and a decision by the Mayor and Council. The existing C-1 zoning on the proposed expansion site does not allow outdoor display or storage of merchandise; it is however permitted in the C-2 zone. The procedures for the LRE and the rezoning are therefore combined in this request.

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

Background Information

Existing Land Use: The expansion site is a building pad with parking spaces located at the north end of the home improvement store.

Surrounding Zones and Land Uses:

North: Zoned C-1; office
South: Zoned PAD-3; retail and office
East: Zoned SR; Pantano Wash
West: Zoned C-1 and R-3; commercial and single-family residential

Previous Cases on the Property:

C9-03-23 Lowe's - Kolb Road, C-1 to C-2 A rezoning and special exception land use request for approximately 12.71 acres to allow the development of a 163,358 square foot home improvement and garden center, and 13,525 square feet of retail and restaurant uses. Ordinances 10017 and 10087 adopted on August 2 and November 22, 2004 respectively. On December 12, 2005, building permit T05CM06145 was issued effectuating the requested zoning.

Related Cases:

C9-00-39 Mar & Rothschild & Young – Broadway Boulevard, SR and R-2 to C-2 and C-1 A rezoning request for 217,810 square feet of retail and restaurant uses including a single 160,00 square foot building on 24.95 acres northwest of the northwest corner of Broadway Boulevard and Pantano Road. On January 14, 2002, Ordinance Nos. 9733, 9734 and 9735 were adopted. On January 10, 2003, a subdivision plat (Book 56 Page 84) was adopted effectuating the requested zoning.

SE-01-33 Lowe's – Oracle Road, C-2 Zoning A special exception land use request for a 164,409 square foot home improvement store integrated into a 12.35-acre shopping center including a 7,500 square foot restaurant. The site is at the southwest corner of Limberlost Drive and Oracle Road. Mayor and Council approved the request on February 4, 2002.

SE-03-06 Home Depot – Oracle Road, OCR-2 Zoning A special exception land use request for an approximately 153,920 square foot home improvement store, and 356,619 square feet of other uses for a total of 510,539 square feet of retail, office and restaurant uses on a 34.32 acre site. The site is located on the east side of Oracle Road between Limberlost Drive and Wetmore Road. Mayor and Council approved the request on September 15, 2003.

Applicant's Request – The applicant requests to rezone an 8,300 square-foot expansion area at the north end of the Lowe's Home Improvement Store to C-2 to allow for a staging area not accessible to the general public.

Planning Considerations

Land use policy direction for this area is provided by *General Plan* and *Design Guidelines Manual*. Policies in the *General Plan* support appropriate locations for commercial and office uses, with priority for development and redevelopment within the existing urbanized areas located in the Central Core and Mid-City Growth Areas and the abutting areas of the Evolving Edge Growth areas. Supporting policy 5.3 states neighborhood-related commercial uses should be accessible from adjacent neighborhoods and be located at the intersections of arterial streets. The *Plan* also stresses the importance of ensuring the protection of existing residential neighborhoods and compatibility with existing uses.

The *Design Guidelines Manual* discusses transitions between uses and recommends step-downs in height, landscaped edges, varying setbacks, and appropriate building orientation to mitigate potential impacts on adjacent development. Less visually attractive uses should be screened and integrated into the principal structure. Many of the elements of the *Design Guidelines Manual* have been incorporated into the Design Criteria for large retail establishments enumerated in Section 3.5.9.7 of the *LUC*, discussed later in this report.

The *General Plan* and *Design Guidelines Manual* emphasize design compatibility of new projects with adjacent land uses. The site is developed with a Lowe's Home Improvement Warehouse as an anchor store with other restaurant and commercial uses on site. The applicant's request promotes the use of existing infrastructure and site features. The proposal appears to be consistent with the *General Plan*.

Primary vehicular access to the rezoning site is from Kolb Road and Speedway Boulevard. Both roadways are identified as arterial streets on the City of Tucson *Major Streets and Routes Plan* map. Speedway Boulevard has a future right-of-way of 150 feet and Kolb Road 120 feet. Kolb Road is also designated as a Gateway Route.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed expansion will not generate any additional vehicle trips.

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

Design Considerations

Land Use Compatibility – Attention should be paid to architectural detail in the design of all side and rear building façades to be comparable to the front façade of the building. For the site to remain consistent and integrated with the existing architectural design theme, the proposed expansion will employ the same fencing materials and colors as those used on the existing garden center located on southwest corner of the Lowe's building.

The applicant held two neighborhood meetings, one in September of 2007 and one in May of 2008. The primary concerns identified at those meetings dealt with the landscape border, lighting, and noise impacts. The removal of mature pine trees from the landscape border has resulted in sparse landscaping along Speedway Boulevard. The applicant has indicated that Lowe's is aware of the issue and that they have brought this matter to the attention of their facilities maintenance department. The meeting notes from the neighborhood meeting suggest that additional lighting may be applied to this expansion. Any new lighting will be required to comply with the outdoor lighting code. A concern addressed by the north adjacent property owner includes increased noise as a result of the closer proximity of trucks. It is not clear if the loading and unloading of trucks will be an activity associated with this expansion. Staff will recommend that there shall be no loading or unloading of trucks at the rezoning site.

The site is across the Pantano Wash from the Vincent Mullins Landfill and requires compliance with Ordinance Number 8852 in *Chapter 29 Article IX – Development Regulations* adopted by Mayor and Council on April 7, 1997.

Below are the performance criteria for Large Retail Establishments in Section 3.5.9.7.A and B of the *LUC*. Following each criterion in italics are the comments on the subject property.

3.5.9.7 Large Retail Establishment Design Criteria. Large Retail Establishments are subject to the following performance criteria. Variances from the criteria are not permitted; however, if one or more of the criteria cannot be met, the applicant can request approval through the Special Exception Land Use process.

A. Site Design and Relationship to Surrounding Community.

1. Vehicular Access. The project shall provide safety and protection to adjacent residential uses by having motor vehicle access from a major street as designated by the adopted Major Streets and Routes (MS&R) Plan. Access can also be provided from a street that is not designated by the MS&R Plan, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.

Comment: Motor vehicle access is provided from Speedway Boulevard and Kolb Road. Both streets are MS&R routes and Kolb Road is a Gateway Route.

2. Buffers. The project shall provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property. This can be accomplished by providing a minimum building setback of at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site. An eight (8) foot high, or higher, masonry screen wall and at least a twenty (20) foot wide landscape buffer shall be provided adjacent to the site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on the inside of the screen wall and shall include, in addition to shrubs and groundcover, canopy trees at twenty (20) to thirty (30) foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a noise, light, and visual screen above the screen wall. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.

Comment: The proposed 8,300 square-foot expansion will not affect existing landscape borders. The landscape borders will not be disturbed by this expansion.

3. Outdoor Storage Areas. The project shall mitigate visual and noise impacts on residential uses, residentially zoned properties, and streets that may be adjacent to the site from outdoor storage areas (when permitted by the zone district requirements). The mitigation can be accomplished by locating these areas on-site and at least two hundred (200) feet from any residential use or residentially zoned property that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian

walkways, or adjacent residential properties. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Storage materials should not be visible above the screen wall. It would be preferred that these outdoor storage areas be placed between buildings in a manner which would allow the buildings to act as screens.

Comment: The proposed expansion is located more than two hundred (200) feet from residential uses or residentially zoned properties. The staging area will be screened to match the existing Lowe's garden center.

4. Trash Collection Areas. The project shall mitigate visual and noise impacts on adjoining residential neighborhoods and streets from trash collection areas by locating these areas on-site and at least two hundred (200) feet from any residential use, residentially zoned property, and street that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. It would be preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash may be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.

Comment: Existing trash collection areas on site are in compliance with the approved development plan.

5. Pedestrian Flows. The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be at least eight (8) feet wide and unobstructed and shall connect the public street sidewalks, the main entrances to the stores, transit stops on- or off-site, and other buildings on the site, in addition to providing convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated three (3) foot wide landscape strip for their entire length, except at intersections with parking area access lanes (PAALs). The landscaping shall include canopy trees or other shading devices to shade at least sixty-five (65) to seventy-five (75) percent of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

Comment: Existing pedestrian circulation on site is in compliance with the approved development plan.

6. Central Features and Community Spaces. The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or

along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (should not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these.

Comment: Design features and community spaces for the home improvement center have been applied to the site such as shaded seating areas, bicycle parking and a trail that is cantilevered over the edge of the existing bank protection for the Pantano Wash.

7. Delivery and Loading Spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be set back at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does not apply if the main building is located between the truck parking and the residential use or residentially zoned property, to act as the screen.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

Comment: No additional delivery and loading spaces are necessary as part of this expansion.

8. Traffic Impacts. The applicant shall have a professional entity perform a 'Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and the Development Services Department, prior to the first public hearing. The TIA report

shall identify traffic flow impacts on the public streets; recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan; and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report. (Ord. No. 9666, §1, 1/29/02; Ord. No. 9967, §3, 7/1/04)

Comment: *The expansion will not generate additional traffic.*

9. Outdoor Lighting. Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.

Comment: *Lowe's will provide outdoor lighting to be in compliance with municipal codes.*

10. Outdoor Sales Display/Ancillary Uses. Provide measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.

Comment: *The staging area will be similar to that of the garden center that is located at the south end of the building.*

11. Hazardous Materials. Provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.

Comment: *An HMMP and HMIS have been prepared for the store.*

12. Noise Abatement. Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.

Comment: A noise mitigation plan exists for the site. The expansion will not impact the current plan.

13. Combination of Retail with Food and Beverage Sales. General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten (10) percent of the gross floor area.

Comment: The proposed staging area will not have any impacts on retail or food and beverage sales.

B. Aesthetic Character of Buildings.

1. Facades and Exterior Walls Including Sides and Back. The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three (3) percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least sixty (60) percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.

Comment: The exterior of the expansion area will match the garden center.

2. Detail Features. Provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.

Comment: The exterior of the expansion area will match the garden center.

3. Roofs. The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.

Comment: The roof plane will match the main building or garden center.

4. Materials and Color. The buildings shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete

block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.

Comment: *The exterior of the expansion area will match the garden center.*

5. Entryways. The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.

Comment: *The Lowe's building and entryways are existing. The proposed expansion will not be accessible to the general public.*

6. Screening of Mechanical Equipment. Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable. Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

Comment: *The application indicates that this expansion will not require additional mechanical equipment.*

- C. Design Review Board (DRB). All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan. (Ord. No. 9967, §3, 7/1/04) (Ord. No. 9293, §1, 9/27/99)

Comment: *On July 18, 2008, the Development Review Board (DRB) evaluated case C9-08-09 and found the request for an expansion to the existing LRE to be in compliance with all non-specific design criteria of LUC Section 3.5.9.7.A and 3.5.9.7.B related to compatibility, architecture, and site design.*

Conclusion – The applicant's request to rezone the expansion site to C-2 to allow for a staging area is consistent with the *General Plan*. The expansion, matching that of the existing garden center, is in substantial compliance with the intent of the design criteria for Large Retail Establishments enumerated in Section 3.5.9.7 *Land Use Code*. Staff recommends approval, subject to compliance with the attached preliminary conditions.

Preliminary Conditions

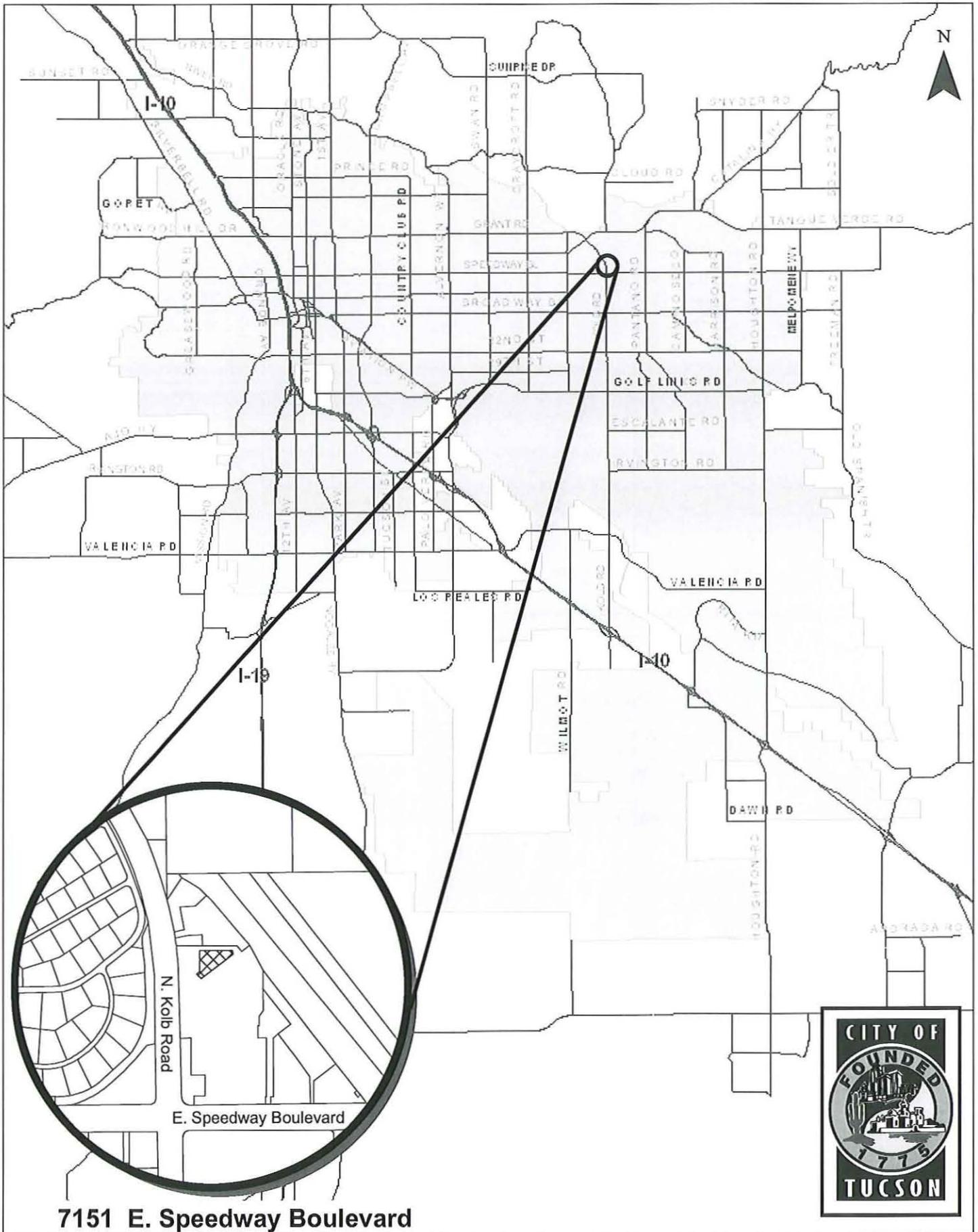
PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated June 2, 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. 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. The proposed expansion shall employ the same fencing materials and colors as those used on the existing Garden Center located on southwest corner of the Lowe's building.
9. There shall be no loading or unloading of trucks at the rezoning site.

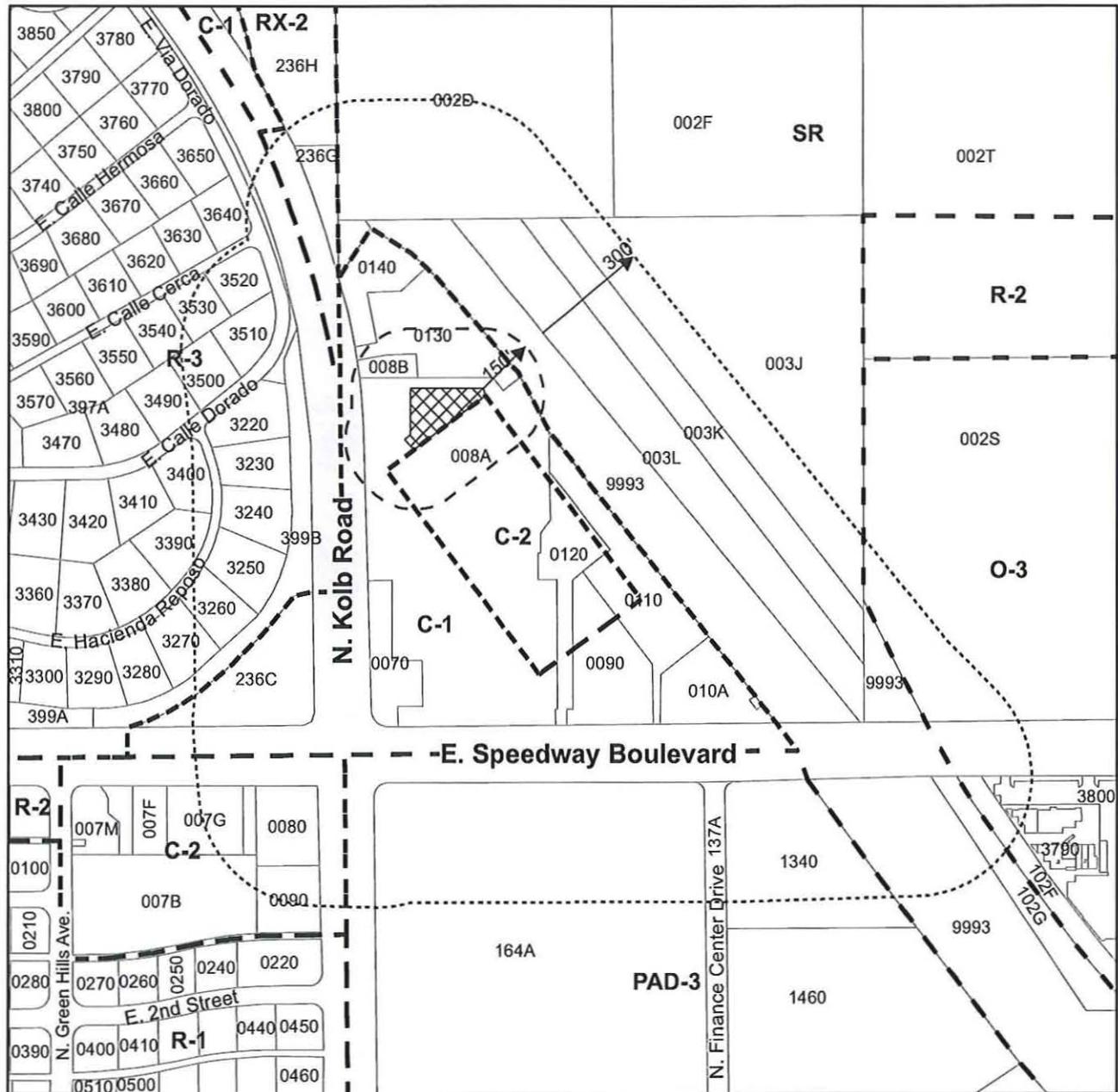
C9-08-09 Lowe's - Speedway Boulevard



7151 E. Speedway Boulevard

C9-08-09 Lowe's Speedway

Rezoning Request: from C-1 to C-2



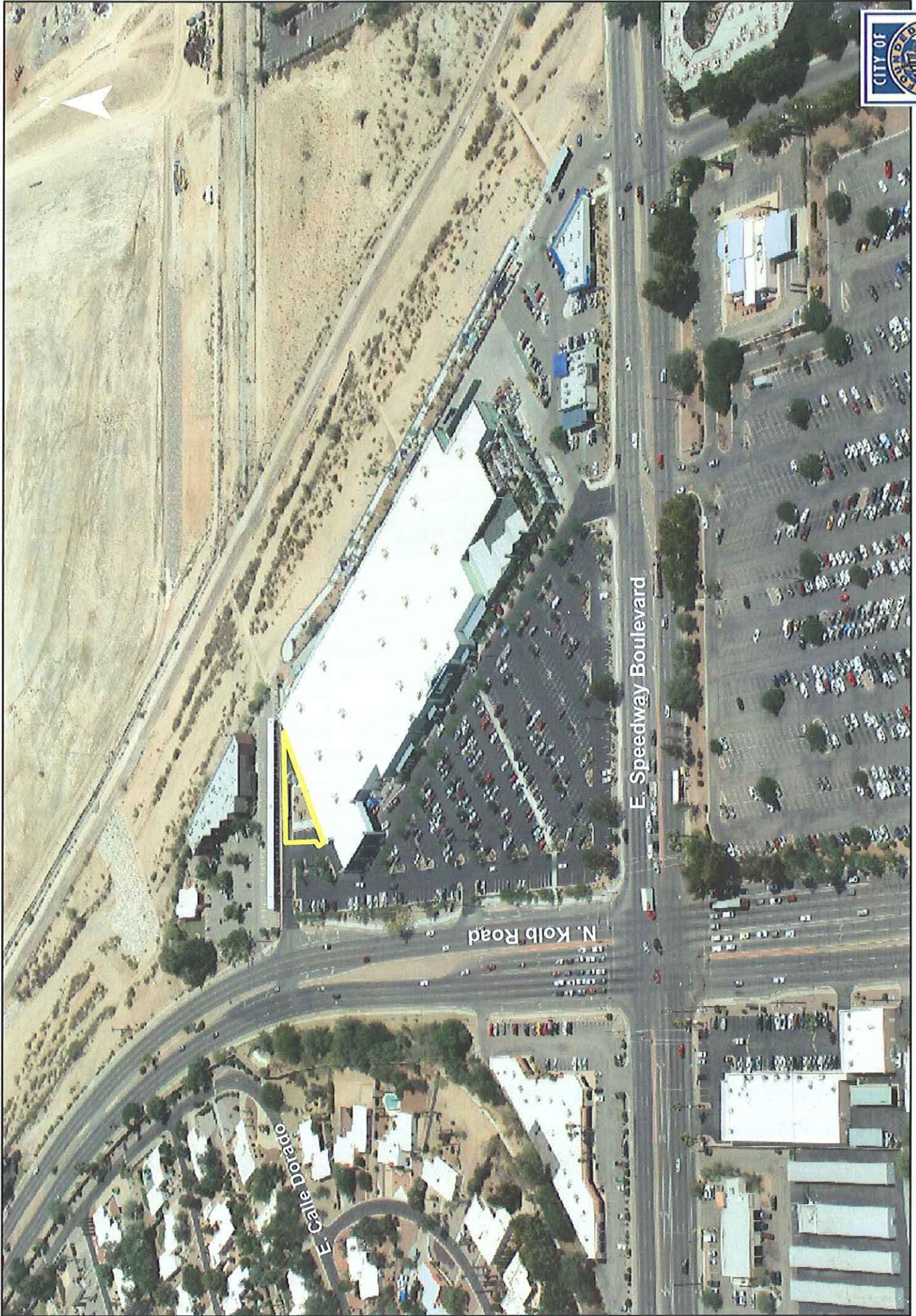
0 200 400
Feet

1 inch equals 400 feet

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

Neighborhood, Area Plan(s): no plan
 Address: 7151 E. Speedway Boulevard
 Base Maps: Sec.5 T.14 R.15
 Ward: 2





C9-08-09 Lowe's - Speedway Boulevard
July 2008 Aerial