



MEMORANDUM

DATE: November 14, 2008
For December 1, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-08-15 CS&Z Holdings – Alvernon Way, R-2 to C-1 (Ward 6)

Issue – This is a request by Mike Grassinger of The Planning Center, on behalf of the property owners, CS&Z Holdings, Inc., to rezone approximately 0.65 acres from R-2 to C-1 zoning. The rezoning site is located at the northeast corner of Alvernon Way and Lee Street (see Case Location Map). The preliminary development plan proposes a single-story, 4,800 square-foot commercial building to support an office/retail/restaurant use.

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: vacant

Surrounding Zones and Land Uses:

North: Zoned C-1; vacant
South: Zoned C-1; vacant
East: Zoned R-2; single-family
West: Zoned R-2 (O-2 authorized); single-family

Previous Cases on the Property:

Plan Amendment - The rezoning site and two parcels to the north were the subject of an amendment to the *Grant-Alvernon Area Plan* to allow for commercial in addition to office and high-density residential uses (Resolution No. 20609 adopted March 20, 2007).

Related Cases:

C9-07-10 Argo Properties – Alvernon Way, R-2 to O-2 This was a rezoning request for 0.29 acres located at the southwest corner of Alvernon Way and Lee Street to allow the development of 3,058 square-foot office building. On October 7, 2008, Mayor and Council adopted Ordinance No. 10586.

C9-04-25 DeConcini – Mission Road, R-2 to C-1 This was a rezoning request for 0.43 acres located on the 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 use. On May 3, 2005, Mayor and Council authorized the requested zoning.

C9-95-10 Evenchik – Alvernon Way, R-2 to B-1 (C-1) This was a rezoning request for 2.30 acres located at the southeast corner of Alvernon Way and Lee Street to allow the development of a commercial building. On February 10, 1997, Mayor and Council adopted Ordinance No. 8819 and on December 6, 1999, a building permit was issued, effectuating the requested zoning.

Applicant’s Request – The applicant requests to rezone 0.65 acres to C-1 in order to develop a single-story, 4,800 square-foot commercial building to support an office/retail/restaurant use.

Planning Considerations

Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and the *General Plan*. *Grant-Alvernon Area Plan* policies support development on the perimeter of residential areas that will serve to protect and enhance the quality of life for neighborhood residents. Additional policies encourage the development of vacant property throughout the Grant-Alvernon area to complement the existing scale, character, and identity of the surrounding neighborhood.

General Plan policies support commercial and/or office uses, with priority for development in the existing urbanized area, to promote use and improvement of existing infrastructure, increase pedestrian activity and transit use, and meet residents’ needs for goods and services in a cost-effective and equitable manner. Both plans support commercial and/or office uses that have primary access to a major street (an arterial or collector street as per the *MS&R*), if the use can be designed to be compatible with the surrounding uses, including lower-intensity residential uses. Traffic must be directed away from residential neighborhoods. Pedestrian facilities should be designed to be direct, safe, comfortable, and aesthetically pleasing.

The rezoning site consists of two parcels. A single-family residence abuts the site to the east. The property to the west, across Alvernon Way, recently was ordinated by Mayor and Council for O-2 zoning, to allow for the development of an office.

Vehicular access to the rezoning site is proposed from Lee Street, a local street located south of the site. The Pima Association of Governments - Transportation Planning Division (PAG-TPD)

estimates that the proposed development will generate 53 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The preliminary development plan shows a single-story, 4,800 square-foot commercial building at the southwest corner of the rezoning site. A specific use has not been determined, however, based on the preliminary development plan, it appears that the uses most likely to meet the provided parking spaces would be an “administrative and professional office” or “retail” use. Other uses that require more parking will require a variance and/or changes to the proposed layout. The maximum building height proposed is 30 feet. Based on the single-story building configuration and setback of over 90 feet from the east property boundary, the privacy of adjacent residents should not be compromised. Staff will recommend that all outdoor lighting be full cutoff, directed down and shielded away from adjacent parcels and roadways. To further protect the established neighborhood and enhance the compatibility with adjacent residential areas, staff will also recommend that the site hours of operation including loading and trash removal operations be limited between 7:00 a.m. and 11:00 p.m. A restaurant use with alcoholic beverage sales in the C-1 zone will require approval of a mitigation plan per *LUC 3.5.4.7.K*.

The application indicates the building will be designed with four-sided architecture to provide a visually interesting appearance. The color scheme for the building is proposed to be consistent with the Sonoran Desert environment and complement the surrounding development. Staff recommends that the building design incorporate a varied roof or parapet lines.

A five-foot high screen wall will be provided along the east property line. Staff recommends that all screen walls have a texture and color that is consistent with or that complements the texture and color of the building. Screen walls that are visible from public roadways or neighboring properties should have a decorative design to enhance their visual appeal. Staff also recommends that all exterior mechanical equipment be screened from view from the surrounding properties and streets, and that the equipment and screening be integrated into the site design.

Drainage/Grading/Vegetation – The site is generally flat, and drainage flows to the north/northwest. There are no washes or open space areas adjacent to the rezoning site, however, significant flow is conveyed north in Alvernon Way towards Rillito Creek, and the western-most portion of the site is in a 100-year local mapped floodplain. The building’s finished floor elevation will be elevated at least one foot above the 100-year water surface elevation, to comply with the City’s floodplain regulations. Staff recommends that the site be designed to harvest rainfall runoff from the building roof and parking lot to assist in water conservation efforts. Runoff from these areas should be directed into landscaped areas on the site.

The urban heat island (UHI) effect is created by heat absorbent surfaces in urban areas. To mitigate heat island effects, staff recommends that the landscape plan include one tree for every four parking spaces within vehicle parking area. Reflective and pervious paving materials can also help to limit the impact of the heat island by reducing absorption, retention and heat

radiation. While helping to mitigate the heat island effect, porous paving materials also allow storm water to pass through and permeate into the sub-base and ground. Staff recommends incorporating reflective, pervious paving materials in pedestrian areas and adjacent to planting areas.

Road Improvements/Vehicular Access/Circulation – Access to the site is proposed from Lee Street, however, the driveway entrance does not appear to meet the minimum parking area access lane (PAAL) width of 24 feet. Along the north property line a width of two feet is required between the PAAL and property line. The preliminary development plan does not show any handicap parking spaces nor an accessible route from the handicap parking spaces to the building. A pedestrian circulation path is also required to connect the building to the public sidewalks located on each street frontage.

The preliminary development plan shows a right-turn out only onto Lee Street, which will help direct traffic towards Alvernon and away from the neighborhood interior. Staff recommends a modified “pork chop” and a right-turn only sign be installed at the exit onto Lee Street to ensure traffic is directed away from the neighborhood interior. Provision for future access to the two vacant parcels to the north, which are zoned C-1, is shown near the northeast corner of the site.

The loading zone and trash dumpster are located near the southeast corner of the site, approximately 55 feet from the east property line. The Environmental Services Department recommends that the site provide two single or one double wide enclosure areas for the purpose of storing one refuse and recycle container in each. A 24-foot PAAL width is also required between the trash enclosure, loading zone and parking spaces along the east side of the property. The preliminary development plan also does not appear to demonstrate the required 14 feet by 40 feet minimum clear approach in front of the solid waste storage/enclosure area with adequate maneuverability to position the vehicle perpendicular to the enclosure. This requirement may also conflict with the adjacent parking.

It appears the site does not have adequate circulation for trash removal and loading operations. As a solution, staff suggests that the rezoning site, along with the parcels to the north, be developed as one site and integrated into one development plan with primary access provided from Alvernon Way.

Conclusion – The preliminary development plan as submitted is highly conceptual and has some deficiencies that need to be addressed prior to the submittal of a development plan. However, the proposed commercial building is consistent with and supported by the policies in the *Grant-Alvernon Area Plan*, as amended, and the *General Plan*. Although primary access is not provided from a major street, the proposal is consistent with the overall goals of both plans, and the site design directs traffic to Alvernon and away from the neighborhood interior. 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 September 23, 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 hours of operation including loading and trash removal operations shall be limited between 7:00 a.m. and 11:00 p.m.
9. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent parcels and roadways.
10. The building shall be designed to have “four-sided” architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines, and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.

Preliminary Conditions

11. A varied roofline or parapet line shall be integrated into the design. Elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
12. The color scheme shall be consistent with the Sonoran Desert environment, and shall complement the surrounding development. Information shall be submitted with the development plan, including colored elevation drawings and color photographs of development in the neighborhood, to demonstrate compliance with this condition.
13. All screen walls shall be graffiti-resistant, and have a texture and color that is consistent with or complements the texture and color of the building.
14. All exterior mechanical equipment shall be screened from view from the surrounding properties and streets, and that the equipment and screening shall be integrated into the site design.
15. The landscape plan shall include one tree for every four parking spaces within the vehicle use area.
16. The owner/developer shall install a modified “pork chop” and a right-turn only sign at the exit onto Lee Street to ensure traffic is directed away from the neighborhood interior.
17. Reflective and pervious alternative paving materials shall be incorporated in pedestrian areas and adjacent to planting areas. These paving materials shall be shown on the landscaping plans at the time of development plan submittal.
18. Provide two single or one double wide solid waste storage/enclosure area/s for the purpose of storing one refuse and recycle container in each. Each enclosure should be designed per DS 6-01.3.0 & 6-01.4.0
19. All screen walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as the use of two 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.
20. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

21. 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.

Preliminary Conditions

22. 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 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.
23. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website:
<<http://dot.ci.tucson.az.us/stormwater/>>.

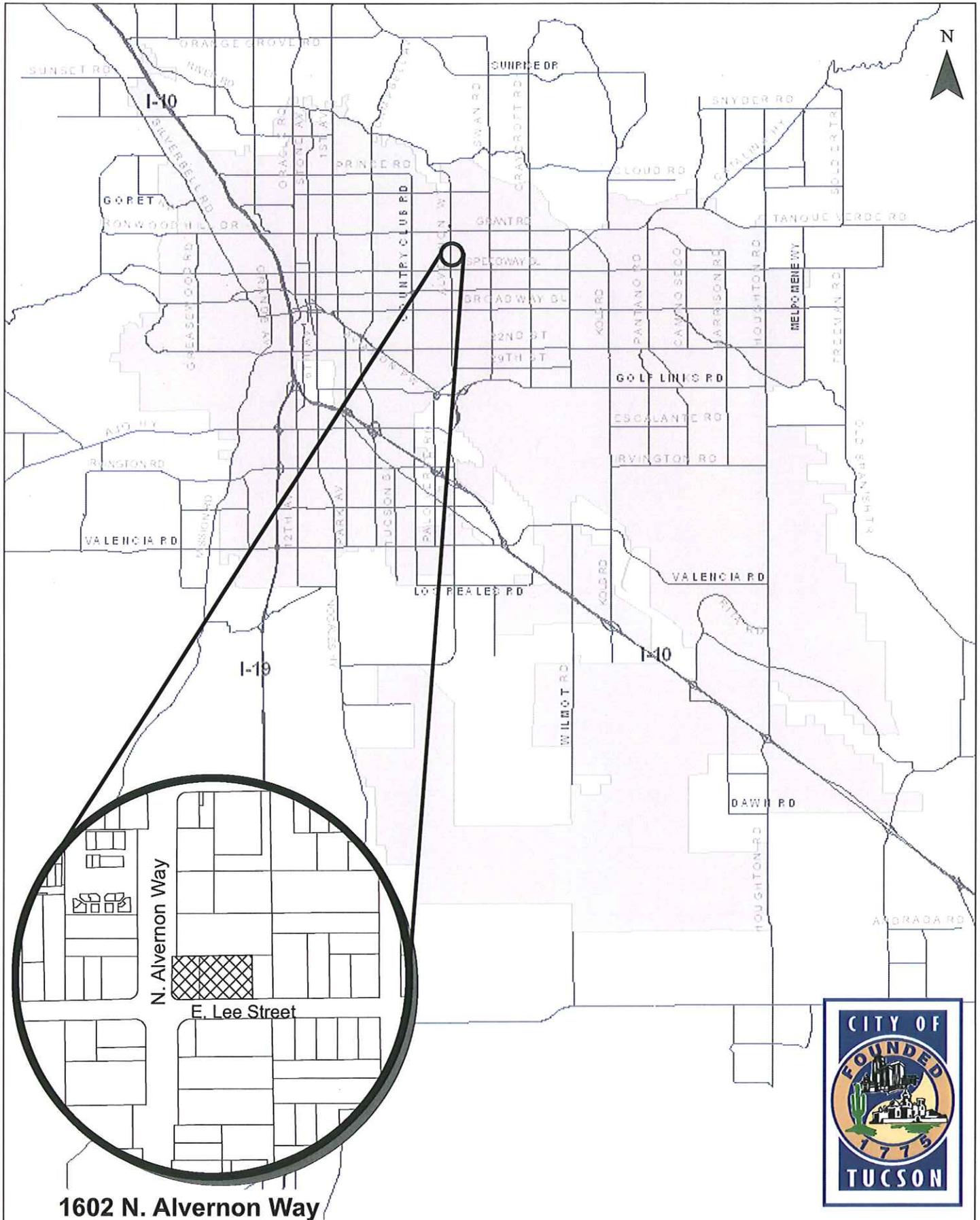
To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

Preliminary Conditions

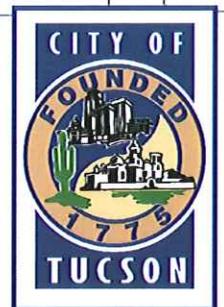
ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

24. The owner/developer shall dedicate the east half right-of-way (60') of Alvernon Way per the *Major Streets and Routes Plan Map*.
25. The owner/developer shall dedicate a 30-foot radius spandrel at the southwest corner of the site.
26. The owner/developer shall dedicate any additional right-of-way for Lee Street as may be required by DSD/City Development Standards.

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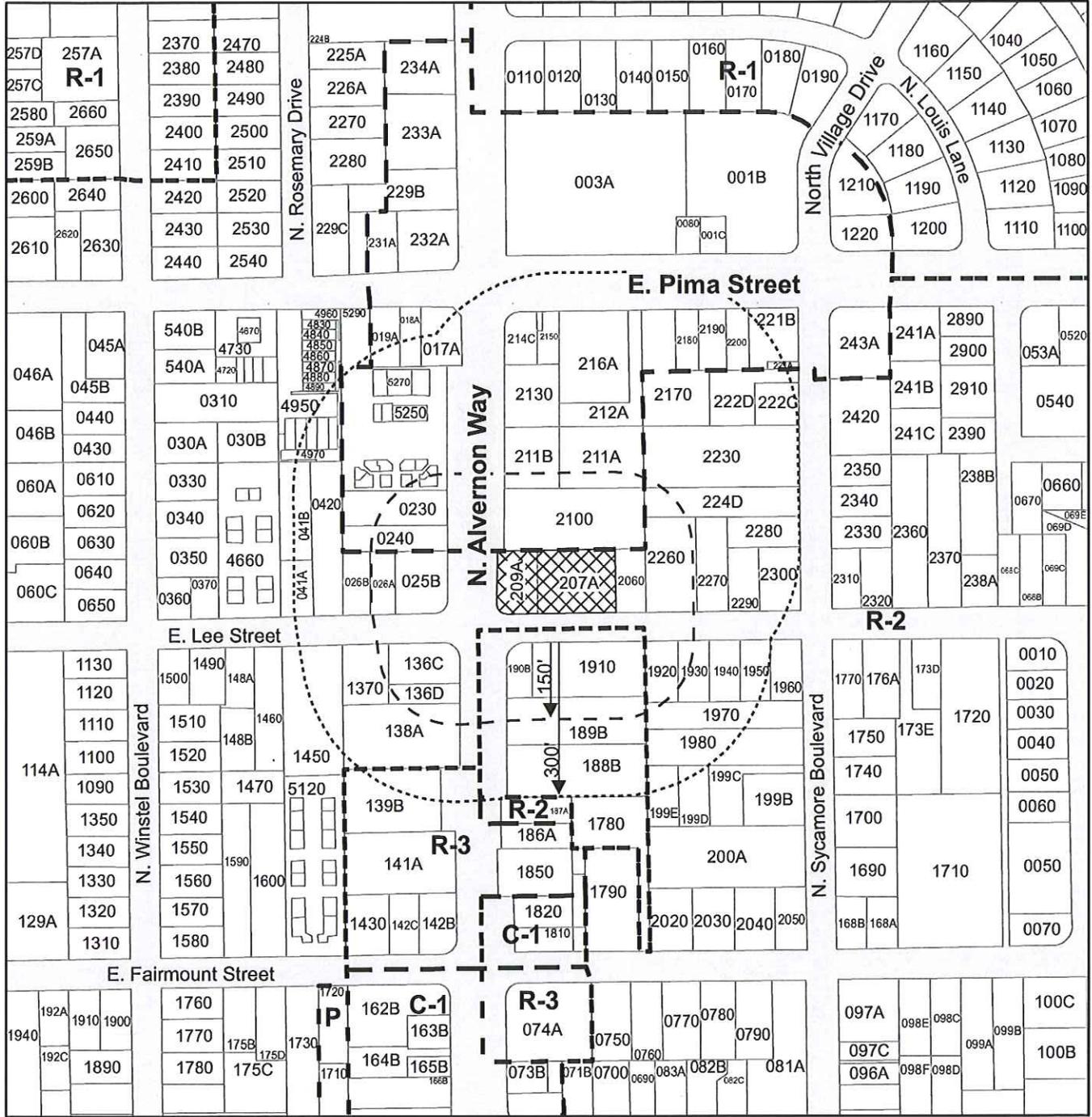


1602 N. Alvernon Way



C9-08-15 CS & Z Holdings - Alvernon Way

Rezoning Request: from R-2 to C-1



0 150 300 Feet

1 inch = 300 feet



Area of Rezoning Request



Protest Area (150 foot radius)



Notification Area (300 foot radius)



Zone Boundaries

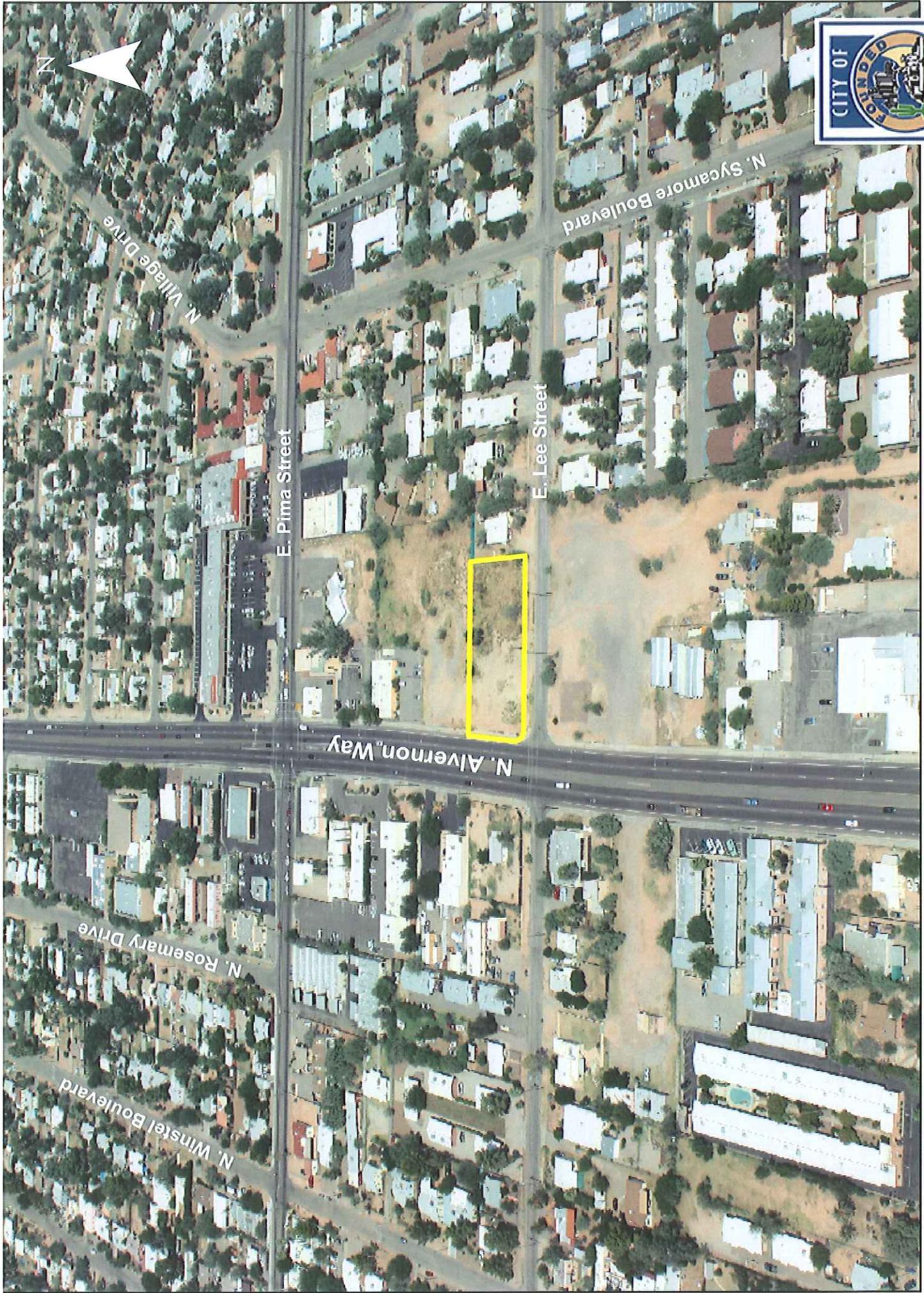
Neighborhood, Area Plan(s): Grant - Alvernon Area Plan

Address: 1602 N. Alvernon Way

Base Maps: Sec.03 T.14 R.14

Ward: 6





C9-08-15 CS&Z Holdings - Alvernon Way
October 2008 Aerial