



# MEMORANDUM

---

DATE: January 21, 2009  
For February 5, 2009 Hearing

TO: Peter M. Gavin  
Zoning Examiner

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

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT  
C9-08-19 McGetrick – Alvernon Way, R-3 to O-3 (Ward 6)

**Issue** – This is a request by Chuck Schuiteman, on behalf of the property owners, Jerome and Deborah McGetrick, to rezone approximately 0.29 acres from R-3 to O-3 zoning. The rezoning site is located at the southeast corner of Alvernon Way and 2<sup>nd</sup> Street (see Case Location Map). The preliminary development plan proposes a new parking area to support an expansion to an existing office.

**Department of Urban Planning and Design Recommendation** – The Department of Urban Planning and Design recommends approval of O-3 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Office and residential

### Surrounding Zones and Land Uses:

North: Zoned O-3; church  
South: Zoned R-3; apartments  
East: Zoned R-1; single-family residential  
West: Zoned C-1 and R-3; office and apartments

Previous Cases on the Property: none

### Related Cases:

C9-85-14 Caylor – Alvernon Way, R-3 to R-4 (O-3) This was a rezoning request for 0.83 acres located on the east side of Alvernon Way, approximately 500 feet north of 3<sup>rd</sup> Street, to allow the development of a 9,468 square-foot, single-story office building. On October 27, 1986, Mayor and Council adopted Ordinance No. 6559 and on August 21, 1986, a building permit was issued, effectuating the requested zoning.

C9-08-01 Fort Lowell Park, LLC – Fort Lowell Road, R-3 and MH-1 to O-3 This was a rezoning request for 6.58 acres located on the south side of Fort Lowell Road approximately 655 feet east

of Alvernon Way, to allow the development of eight administrative and professional office structures totaling 82,627 square-feet of floor area and ranging from 24 to 40 feet in height. On June 3, 2008, Mayor and Council authorized the requested zoning.

**Applicant's Request** – The applicant requests to rezone 0.29 acres to O-3 to allow for the development of a new parking area to support an expansion to an existing office.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Alvernon-Broadway Area Plan* and the *General Plan*. The *Alvernon-Broadway Area Plan* allows redevelopment of existing uses when: a) primary access can be provided from an arterial street; b) all parking and maneuvering requirements can be met on-site or, off-site if those have historically been used for that purpose; and, c) screening and buffering are provided onsite. Development should also comply with the Area Plan's General Design Guidelines which call for adequate setbacks or the use of other mitigation techniques to buffer the site from less intense uses and that outdoor lighting and noise generating uses be directed away from adjacent residential uses.

*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 rezoning site is adjacent to residential uses to the south and east. The apartments to the south are two stories in height, while the single-family residences to the east are single-story. Vehicular access to the rezoning site is proposed from Alvernon Way. Alvernon Way, identified as a Gateway Arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is west of the rezoning site. Access to the north portion of the development where the existing office and parking are currently located (Lot 12) is provided off of Second Street. Second Street is a residential street with a right-of-way width of 60 feet.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) indicates that the proposed parking area will not generate any additional vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

**Land Use Compatibility** – A residential duplex currently occupies the rezoning site. The applicant proposes to expand the site by adding a second story to an existing office building and demolishing the duplex to make room for a new parking area. A portion of the two-story addition will encroach into the area to be rezoned. The total square-footage of the remodeled office will be 7,721 square-feet with a maximum building height of 33.79 feet. Based on this height, an east sideyard setback variance is required. Such variances have been granted to other non-residential developments in the immediate vicinity.

The applicant states that the office building expansion will utilize four-sided architecture and be residentially scaled. The design will be compatible with existing residential structures through the use of building recessions, projections and pedestrian walkways. An employee courtyard is proposed on the west side of the building away from the east adjacent residential uses. The existing screenwalls on the west side will be utilized in the design for privacy.

Buffering and landscaping adjacent to the residential uses to the east should include five-foot high masonry walls and trees of adequate caliper to ensure tree canopies are at fifty-percent growth within two growing seasons and placed at intervals to ensure that tree canopies touch at maturity. The screen wall should have a decorative design, and it shall be constructed of or painted with graffiti-resistant paint to enhance the visual appeal along this edge. The materials, color, and decorative pattern of the wall should be consistent with the overall design treatment of the office and should complement the existing design character of the neighborhood. Security lighting should be shielded, directed downward, and designed to prevent spill onto adjacent residential properties.

The preliminary development plan indicates the applicant will seek a Development Standard Modification Request (DSMR) to allow the use of two 90-gallon solid waste containers and one 90-gallon recycling container, to be collected from the alleyway with the automated side loading system. The Environmental Services Department has no objections to the proposal. Since the residential-scale bins are being proposed, staff will not recommend the fifty-foot separation from residential properties typically applied to dumpsters.

The applicant proposes to protect the privacy of the east adjacent residential uses by scaling down windows to residential size and reducing the number of windows to minimize the visual impact on the neighborhood. Through a visual analysis included with the Design Compatibility Report, the applicant has demonstrated a sensitivity to, and adequate protection of the privacy of residents to the east.

Drainage/Grading/Vegetation – Approximately ten-feet of the eastern portion of the site lies within the Alvernon Wash watershed, a non-designated watershed. The redevelopment of the site is not likely to be adversely affected by the flood-prone area. The watercourse flows northward along Montezuma Avenue and has a 100-year discharge of 1,165 cubic feet per second. Given its location in a non-designated watershed and parcel size smaller than one acre, detention/retention is not required. The applicant indicates that site-grading design shall cause all water to drain away from buildings. This design will also include smooth slope transitions between grade changes when grading is in public view.

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. Additionally, water-harvesting techniques shall be incorporated into the development in accordance with C.O.T. Water Harvesting Guidance Manual.

Road Improvements/Vehicular Access/Circulation – Access to the rezoning site and the south portion of the development is from Alvernon Way. Access to the north part of the development is located off of Second Street. Traffic Engineering has requested a rezoning condition requiring the location of the existing driveway on Second Street be relocated further east to provide adequate maneuverability for vehicles entering this site after turning off of Alvernon Way. Vehicle use areas are located north and south of the office building with no connectivity between them. The development does not have a loading zone and the required number of parking spaces. The applicant will also need a variance for omitting the required loading zone and the reduced number of parking spaces, which have also been granted to non-residential developments in the vicinity.

**Conclusion** – The preliminary development plan as submitted will require variances for eliminating the loading zone, reducing the number of parking spaces and insufficient building setbacks. However, the development of a new parking area to support an existing office use is consistent with and supported by the policies in the *Alvernon-Broadway Area Plan*, and the *General Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested O-3 zoning is appropriate.

## Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated December 9, 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 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.
9. 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.
10. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent parcels and roadways.
11. 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

### Preliminary Conditions

condition is being met shall be provided with the development plan submittal to demonstrate compliance with this condition.

12. Trees planted along the east side of the site shall be placed no more than 25 feet apart.
13. Within the new parking area, one canopy tree shall be provided for every four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that shade coverage will be provided for at least 50% of the 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.
14. 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. A wall detail demonstrating compliance with this condition shall be provided with the development plan.
15. Six (6) inch wide fence block or greater shall be used for perimeter screen walls.

### DRAINAGE/GRADING/VEGETATION

16. 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.

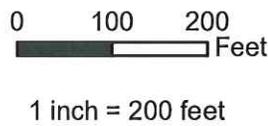
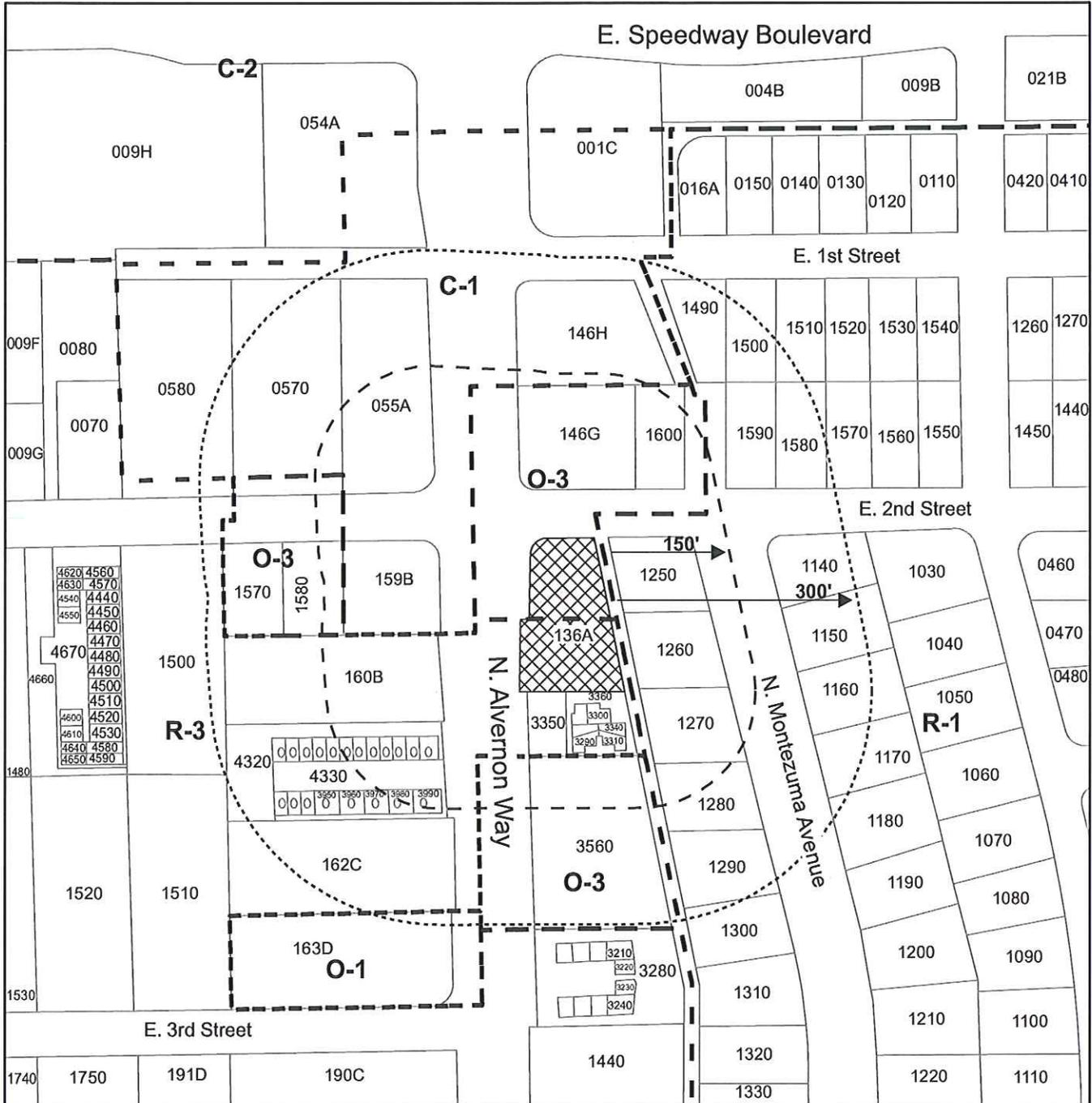
Preliminary Conditions

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

17. The location of the existing driveway on Second Street shall be relocated further east to provide adequate maneuverability for vehicles entering this site after turning off of Alvernon Way.

# C9-08-19 McGetrick - Alvernon Way

## Rezoning Request: from R-3 & O-3 to O-3



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

Neighborhood, Area Plan(s): Alvernon-Broadway Area Plan  
 Address: 944 - 956 N. Alvernon Way  
 Base Maps: Sec.10 T.14 R.14  
 Ward: 6





**C9-08-19 McGetrick - Alvernon Way**  
October 2008 Aerial

