MEMORANDUM

DATE: July 13, 2016
For July 28, 2016 Hearing

TO: Jim Mazzocco
Zoning Examiner

FROM: Nicole Ewing Gavin
Planning & Development Services Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT
C9-16-07 Enterprise – Lee Street, R-2 to P (Ward 3)

Issue – This is a request by Stephen Shell, P.E., on behalf of the property owners Enterprise Holdings, to rezone approximately 0.17 of an acre from R-2 to P zoning. The rezoning site is located on the south side of Lee Street, approximately 210 feet west of Stone Avenue (see Case Location map). The preliminary development plan (PDP) proposes the development of a vacant lot into an eleven (11) space parking lot to support a proposed Enterprise car leasing facility to be constructed at the southwest corner of Stone Avenue and Lee Street (to the east of the rezoning site across an alley). The vehicle spaces will be used for employee parking and rental vehicle overflow storage. The proposed parking lot for this rezoning site will be accessed directly from Lee Street and will only be used by employees of the car rental facility.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of P (Parking) zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacant

Surrounding Zones and Land Uses:

North: Zoned Residenial (R-2): single and multi-family residences;
South: Zoned Residential (R-2): single and multi-family residences.
East: Zoned Commercial (C-3): commercial service uses– restaurant and vacant commercial (proposed vehicle leasing);
West: Zoned Residential (R-2): multi and single family residences.

Previous Cases on the Property: none

Related Cases:

C9-96-06 Hummel – First Avenue, R-2 to P This was a rezoning request for 0.9 acres located at the southwest corner of Buddy Lane and Euclid Avenue, approximately 200 feet east of First Avenue, to allow the development of 117 space parking lot to support the existing adjacent buildings to the west. On August 20, 1996, Mayor and Council adopted Ordinance No. 8751 and on December 2, 1996, a development plan was recorded, effectuating the requested zoning.

C9-07-15 Tu Nidito – Mountain, R-2 to P This was a rezoning request for 0.20 acres located at the southeast corner of Mountain Avenue and Duke Drive to allow the development of a new surface parking lot on the east side of the existing Tu Nidito Medical Service buildings. On February 12, 2008, Mayor and Council adopted Ordinance No. 10501, effectuating the rezoning.

C9-07-33 Quebedeaux – 1st Street, R-3 to P and C-2 This was a rezoning request for 0.65 acres from R-3 to P zoning, and approximately 0.41 acres from R-3 to C-2 zoning located at the northeast corner of Holly Avenue and 1st Street for expansion to a car dealership, including a new 440 square-foot storage building and a new vehicle parking area. On April 15, 2008, the Mayor and Council voted 7 to 0 to approve the rezoning request.

C9-13-12 CODAC – Fort Lowell Road, R-2 to P This was a rezoning request for 0.55 acres located on the north side of Fort Lowell Road, approximately 700 feet west of Navajo Road for the redevelopment of an unfinished housing project into a 67-space parking lot to support the conversion of the existing two-story office building immediately adjacent to the east of the rezoning site (zoned O-3) to a medical outpatient building. On March 4, 2014, the Mayor and Council voted 7 to 0 to adopt Ordinance No. 11145.

Applicant's Request – P (Parking) zone is requested for development of a parking lot to accommodate employee parking and parking of leased vehicles for a proposed Enterprise car rental facility which is to be located to the east of the rezoning site.

Planning Considerations – *Plan Tucson* provides policy direction for the rezoning site. Sensitivity to the adjacent residential neighborhood is a high priority within *Plan Tucson*.

Plan Tucson: The proposed development is consistent the applicable Land Use, Transportation, and Urban Design Policies (LT) of *Plan Tucson*, and the supporting Guidelines for Development Review. This site is within a Mixed Use Center, which combines a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycles, and walking will get priority in these areas, although cars will still play an important roll. Plan policies support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *Plan Tucson* Guidelines support infill and redevelopment projects that reflect

sensitivity to site and neighborhood conditions and adhere to the relevant site and architectural design guidelines. *Plan Tucson* Guidelines also protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate non-residential land uses.

The proposed rezoning site consists of a single vacant 0.17 parcel, which is rectangular in shape (152 feet deep by 45 feet wide). To the east across an alleyway and on the west side of Stone Avenue are a restaurant and a currently vacant commercial building on C-3 zoned property being proposed for an Enterprise car leasing facility. To the south across another alleyway, to the north across Lee Street, and to the west are single- and multi-family homes in the R-2 zone.

The parking area is for use by employees of the car rental agency and is not proposed for use by general public. The applicant states that customers of Enterprise are picked up and dropped off by employees rather than driving to facility and leaving their cars parked on site.

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

Design Considerations

Land Use Compatibility – The rezoning request to P (Parking Zone) is to allow additional employee and rental vehicle overflow parking for a proposed car leasing facility, which as of the date of this report is in plan review under permit #T15CM09035.

Sensitivity to the adjacent residential neighborhood is a high priority in *Plan Tucson*, and security for parked vehicles is of concern to the applicant. Per the submitted PDP, a 6-foot screen wall with 2 feet of wrought iron on top is proposed along the western and southern boundary of the rezoning site. A 5-foot screen wall with 3 feet of wrought iron on top and an 8-foot high opaque security gate at the vehicular access point are proposed along the Lee Street frontage. An 8-foot high wrought iron fence is proposed along the east boundary of the site.

The applicant attended rezoning presubmittal conference meeting on March 3, 2016. Issues covered included providing a 6-foot wall along the west and south property lines adjacent to single family homes, and a wrought iron fence along the east property line adjacent to alleyway, limited hours of operation, screening, buffering and lighting, and providing canopy trees to provide shade and help reduce heat island effects.

On April 20, 2016 the applicant held the required neighborhood meeting, where there were 6 attendees plus the applicant. Issues discussed included traffic flow, landscaping, water harvesting, fencing, and lighting.

Staff recommends that hours of operations for the parking lot be limited to those hours that the adjacent proposed rental car facility is proposing which, per the submitted Design Compatibility report, is between 7:00 a.m. and 9:00 p.m. on Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday.

No loading zones or dumpsters may be located within a P zoned parcel. Any existing dumpster will need to be relocated.

Drainage/Grading/Vegetation – The site must comply with the Rainwater Harvesting Ordinance (Ord. No. 10957). The design shall promote proper drainage over time to minimize mosquito population. A landscape concept plan was not submitted as part of the rezoning application. Staff recommends the landscape plan include a 10-foot street landscape border along Lee Street and canopy trees within the parking lot, as required by the Unified Development Code (UDC). The landscape plan should be designed to minimize the Urban Heat Island Effect. Staff recommends that the mature native mesquite tree located along the western perimeter of this site remains in place. If it cannot be preserved it is recommended that replacement trees, in minimum 15-gallon planter size, be planted at a ratio of three (3) trees for the one (1) removed.

Heat Island Mitigation – The City of Tucson promotes sustainable development, mitigation of Urban Heat Islands, and green building principles in the City's Framework for Advancing Sustainability, adopted in 2008. Impervious surfaces, such as paved roadways and parking areas contribute to increasing urban heat islands which can have detrimental health effects. Increasing reflectivity of these paved surfaces, and providing shade or pervious surfaces mitigates the heat absorption quality of dark pavement. As a condition of rezoning, staff recommends incorporating reflective, pervious paving materials in the parking lot pedestrian areas and adjacent to planting areas. Canopy trees should be provided for every four parking spaces to decrease the Urban Heat Island Effect, and as required by UDC Landscaping Standards. Providing healthy root zones helps trees reach their potential maximum canopy capacity. Staff recommends tree root zone have a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil. Ninety-five percent or greater compaction is permitted if utilizing structured/engineered soil that permits compaction while allowing root development.

Road Improvements/Vehicular Access/Circulation – The PDP reflects that the proposed parking area will be accessed from Lee Street with no access onto the adjacent existing alleyways. Road improvements are not proposed as part of the rezoning request. According to the Major Streets and Routes Map, Lee Street is a local street and Stone Avenue is a Major arterial with a future right-of-way of 90 feet.

Conclusion – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan and the design compatibility report, both dated May 20, 2016, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.

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". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.

3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. 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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

7. No dumpster, loading zones, or buildings shall be placed on the rezoning site.

8. 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.

9. Graffiti shall be removed within seventy-two (72) hours of discovery.

10. Hours of operations for the parking area shall be between 6:00 a.m. and 9:00 p.m. on Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.

DRAINAGE/VEGETATION/BUFFERS

11. The development package shall conform to Landscape Standards in UDC Sec. 7.6.4, and must comply with the City Rainwater Harvesting Ordinance No. 10957.

12. Perimeter screen walls and wrought iron fencing along the site perimeter shall be in substantial compliance with the preliminary development plan dated May 20, 2016.

HEAT ISLAND MITIGATION

13. The parking area shall be constructed of light-colored paving materials, such as concrete, cool paving coating over asphaltic surfaces, or porous pavers.

14. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required.

15. The mature mesquite tree with caliper of greater than 4 inches and located along the west edge of the rezoning site should remain in place if possible and be protected by temporary fencing during on-site construction. However, if this tree cannot be preserved in place, it shall be replaced at a ratio of three (3) trees for every one (1) tree removed, with a minimum of 15-gallon size tree containers.

VEHICULAR ACCESS

16. Vehicular access onto the rezoning site shall be from Lee Street only.

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(I).

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 C9-16-07 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 C9-16-07.

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 C9-16-07.

Dated this _____ day of _____, 20___.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____
Notary Public

My Commission expires:

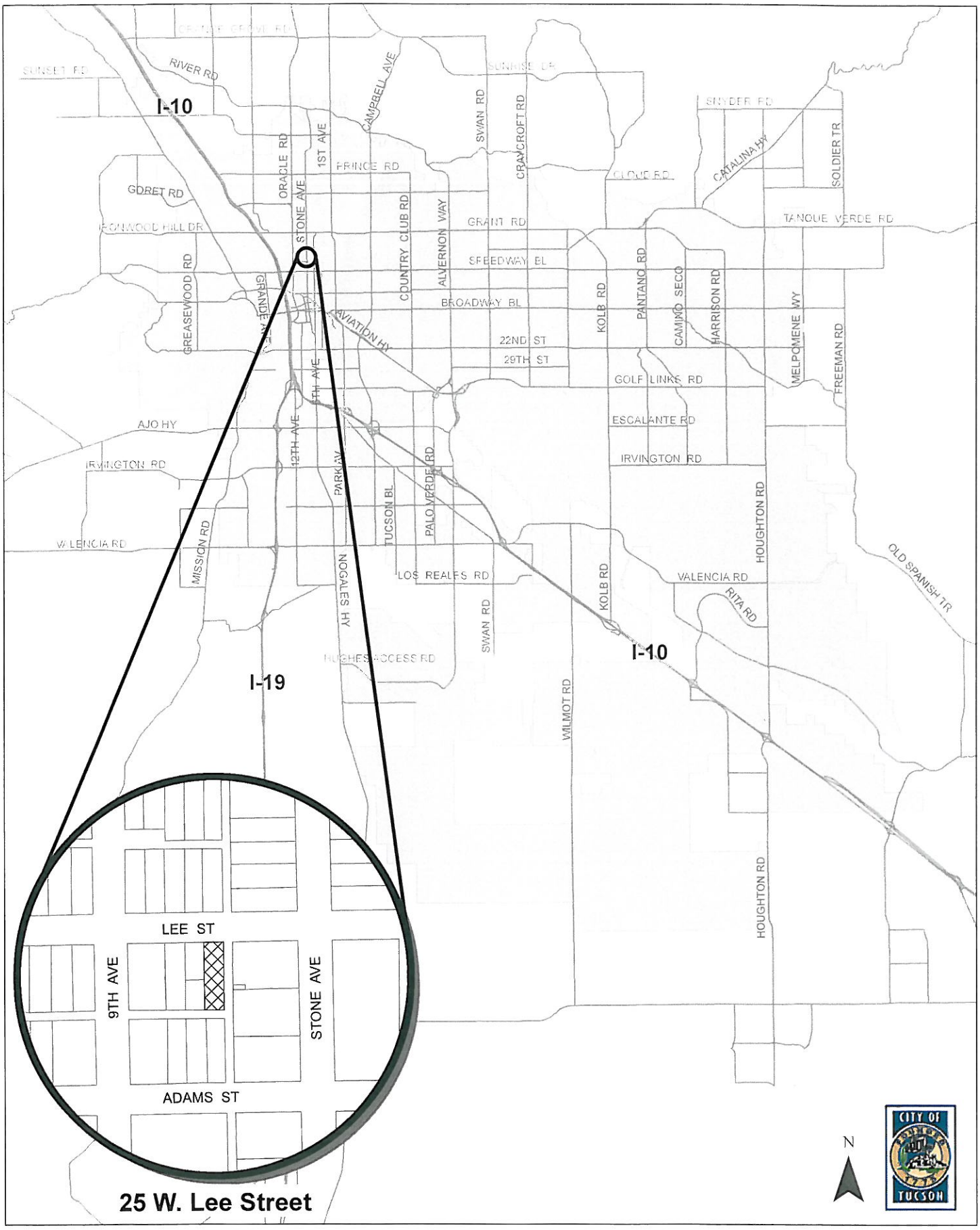
_____

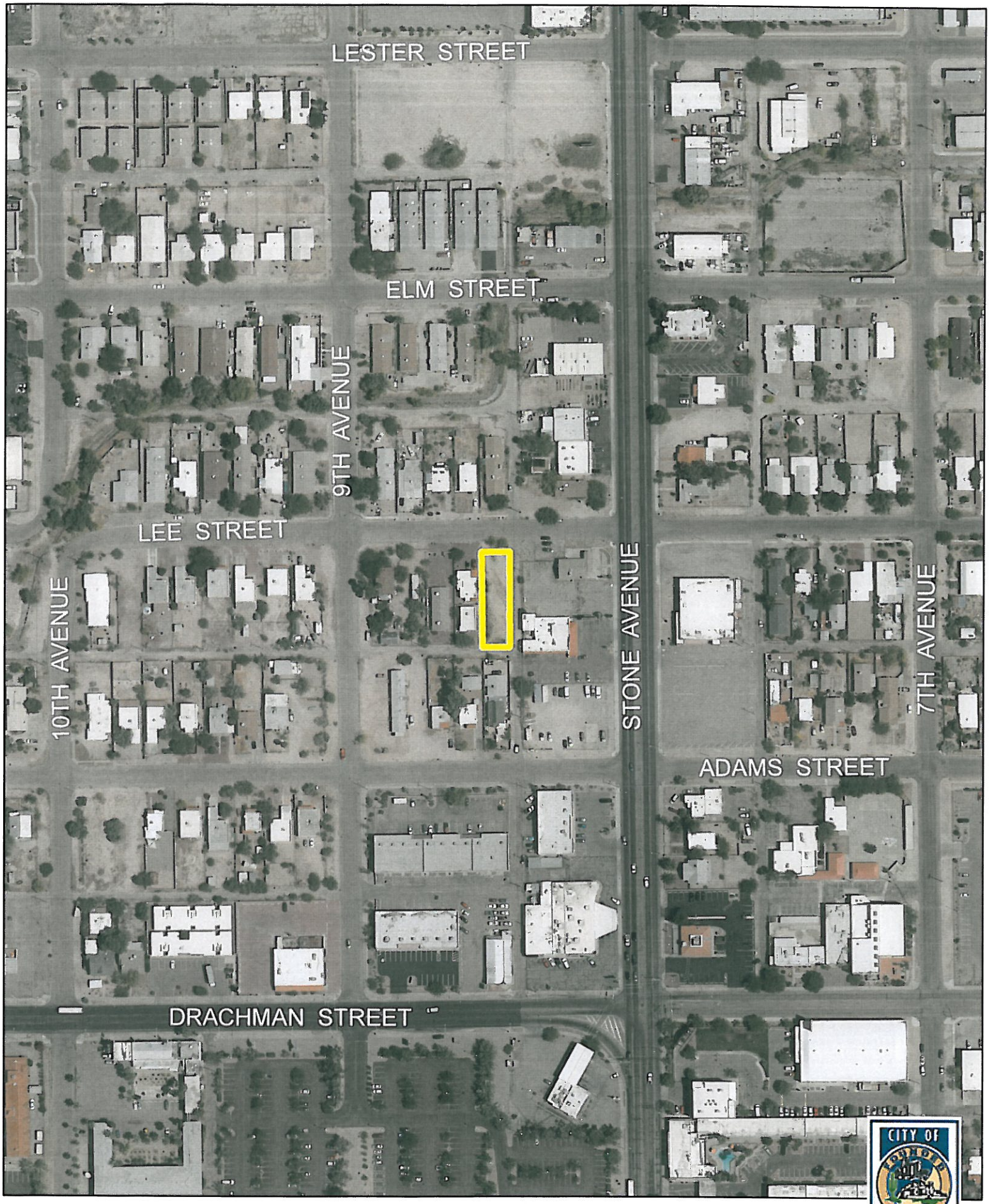
City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

C9-16-07 Enterprise - Lee Street





C9-16-07 Enterprise - Lee Street
2015 Aerial

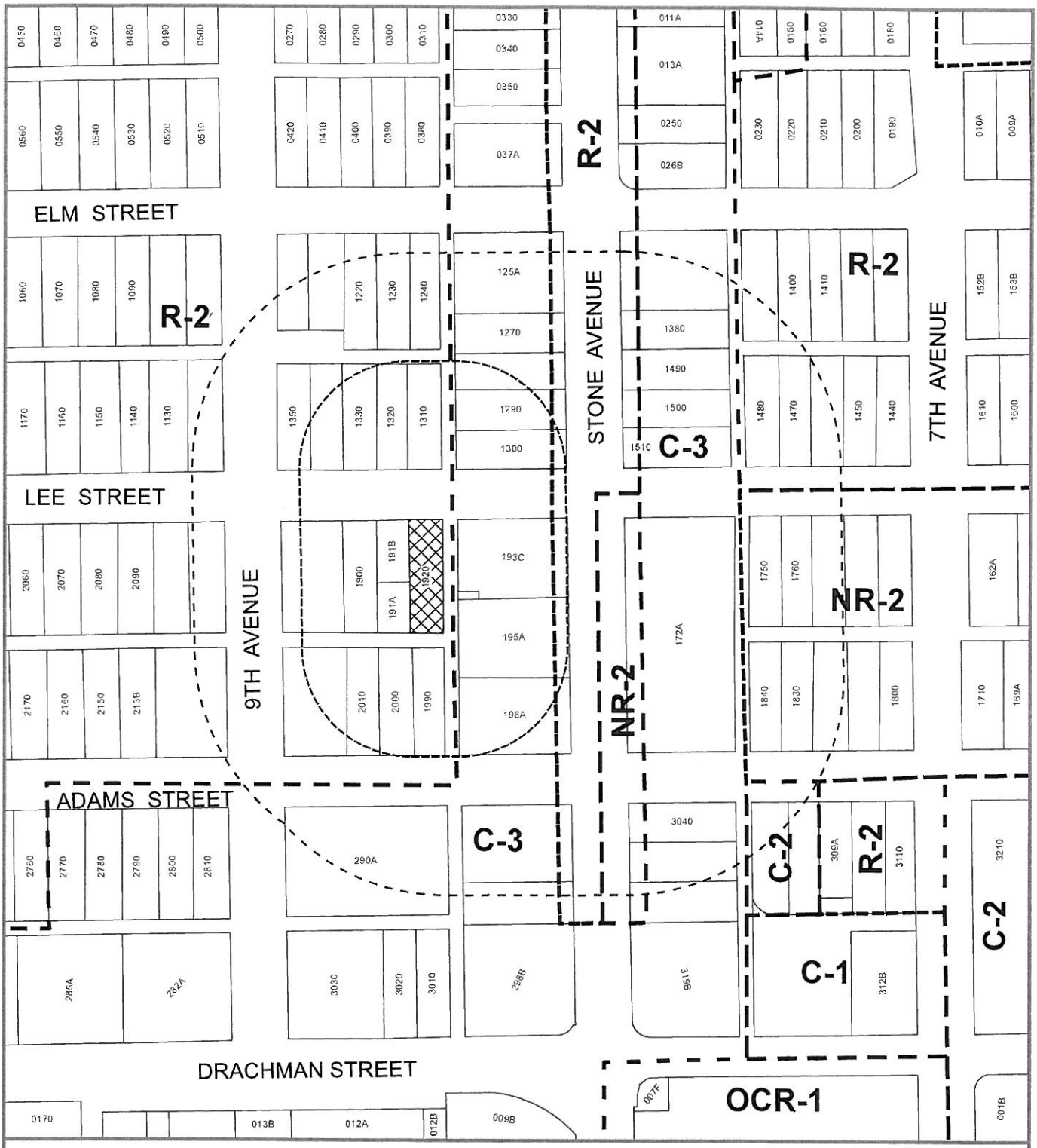
0 100 200 Feet
1 inch = 200 feet

N

CITY OF TUCSON

C9-16-07 Enterprise - Lee Street

Rezoning Request: from R-2 to P



Area of Rezoning Request

150' Protest Area

300' Notification Area

Zone Boundaries

created by: JR, 5/23/2016

Address: 25 W. Lee Street

Base Maps: Sec.01 T.14 R.13

Ward: 3

0 100 200 Feet

1 inch = 200 feet

N

PUBLIC FACILITIES AND SERVICES REPORT FOR July 28, 2016
(as of July 8, 2016)

C9-16-07 Enterprise – Lee Street, R-2 to P Zone

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 7/1/16.
Planning & Development Services – Zoning Review: See attached comments dated 6/14/16.
Planning & Development Services – Sign Code: See attached comments dated 6/13/16.
Transportation – Traffic Engineering: See attached comments dated 7/1/16.

No Objections Noted

City of Tucson, Real Estate Program
Planning & Development Services – Landscape
Planning & Development Services – Engineering
Transportation – Engineering
Tucson Fire Department
Community Services – Historic Preservation Officer
Tucson Parks and Recreation
Tucson Police Department
Tucson Water New Area Development
Tucson Parks and Recreation
Environmental Services

NON-CITY AGENCIES

PAG-TPD: No comment

No Objections Noted

Pima County Planning and Development Services
Tucson Unified School District
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, July 13, 2016 at **https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp**

Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-16-07 Enterprise – Lee Street, R-2 to P
Ward # 3

_____
I/We the undersigned property owners, wish to

☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

_____

_____

_____

_____

_____

_____

_____

_____

_____

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-16-07

Expose this flap - Affix stamp and return

City of Tucson PMc
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-16-07
IMPORTANT REZONING NOTICE ENCLOSED

F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout