



# MEMORANDUM

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DATE: October 24, 2012  
For November 8, 2012 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM:   
Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-12-10 Valencia (Galindo) – 36<sup>th</sup> Street, C-1 to C-2 (Ward 5)

**Issue** – This is a request by Tim McCann of Tim McCann Consulting, on behalf of the property owner, Fausto Valencia of Galindo Property Management, to rezone approximately 0.35 acres from C-1 to C-2 zoning. The rezoning site is located at the northwest corner of 36<sup>th</sup> Street and South Campbell Avenue (see Case Location Map). The preliminary development plan proposes rezoning the site to bring the site and the use into *Land Use Code (LUC)* compliance. The existing auto service, repair and tire sales use is a major automotive repair use that requires C-2 zoning.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Auto service and repair, and tire sales

### Surrounding Zones and Land Uses:

North: Zoned C-1; Church

South: Zoned PAD-15 (Bridges); Open Space for Bridges PAD (owned by Pima County)

East: Zoned C-1; Convenience store with gas

West: Zoned C-1; Church

Previous Cases on the Property: none

### Related Cases:

C9-94-14 Wood Printers - 36th Street, R-2 to B-2A This was a request to rezone a 0.48 acre property from R-2 to B-2A zoning to allow development of a 5,000-square-foot building for a commercial print shop on property located at the northwest corner of 36th Street and Fremont

commercial print shop on property located at the northwest corner of 36th Street and Fremont Avenue. On September 12, 1994, Mayor and Council authorized the rezoning. The rezoning was effectuated on July 18, 1995. This property is located 0.6 mile west of the C9-12-10 rezoning site.

C9-06-32 The Bridges Planned Area Development (PAD): This was a proposal for a 350-acre master planned mixed-use development with four principal land uses: 1) approximately 1,000,000 square feet of commercial/retail/office land uses and an approximately 350 room hotel, on 128.7 acres; 2) a maximum of 1084 residential units consisting of single family attached homes, single family detached homes, and apartments, on 117.4 acres, 3) a 53.5 acre research park associated with the University of Arizona, and, 4) 50.4 acres of open space and recreation areas. Mayor and Council adopted Ordinance 10383 on March 27, 2007. The Ordinance was effectuated April 27, 2007.

**Applicant’s Request** – The applicant is requesting rezoning to the C-2 zone to bring the existing auto service and repair and tire sales shop into *LUC* compliance.

**Planning Considerations** – Policy direction is provided by the *General Plan*. Commercial Policies in Element 2 – Land Use support community-scaled commercial and office uses located at the intersection of arterial streets. Supporting Policy encourages strip commercial redevelopment that will improve traffic flow, pedestrian safety, and streetscape quality when a) primary access can be provided from an arterial street; b) parking, loading and maneuvering can be provided onsite; c) adjacent uses can consolidate design elements; and d) cross-access between adjacent parcels can be accommodated.

Residential Policies in Element 2 - Land Use include: Policy 3, to address protecting established residential neighborhoods by supporting compatible development, which may include non-residential uses. Supporting Policy 3.9 gives support to non-residential uses where the scale and intensity of use will be compatible with adjacent uses, including residential development, neighborhood schools, and businesses.

Given the residential scale of the use, that the rezoning does not intensify the use of the site because the auto repair shop currently exists, and that the rezoning provides an opportunity to improve the streetscape and overall appearance of the site, the rezoning is in conformance with the policies of the *General Plan*.

East 36<sup>th</sup> Street is designated on the *MS&R* Map as an arterial street and is improved with five lanes within 110 feet of right-of-way (ROW), sidewalks, curb, and gutter. Campbell Avenue is a local street with 165 feet of ROW. The site currently has one access point onto each street. No additional access is requested. Average daily trips for the site are estimated at 244.

### **Design Considerations**

Land Use Compatibility – The rezoning site has provided neighborhood commercial services to the area for fifty-eight years, starting in 1954 with a full service gas station. The site was unoccupied through much the 1970’s. Recent land uses have included a dry cleaners and more recently a series of tire shop and auto repair uses. Through the rezoning process and conditions,

and site improvements, the visual impact of the property can be significantly improved, thereby contributing positively to the streetscape. Moreover, the business can continue to provide services to the local community. Field inspection by staff indicates there are currently no billboards on the rezoning site.

The rezoning site is developed with a 1,300 square-foot one-story building consisting of one service bay, storage and office uses. The building is located in the northwest corner of the site. The west and north boundaries of the site are screened by an existing chain-link fence with slats. This fence is to remain. Outdoor storage is proposed to wrap around the back of the building on the west, north and northeast sides. Any outdoor storage should be kept within this storage area, and should not be visible over the top of the fence. Any non-operative and over-night vehicles shall be stored within the storage area. Non-operative vehicles shall not be stored for more than fourteen (14) days. All segments of the fence surrounding the storage should be slatted and the slats should be properly maintained and replaced when worn, faded or broken. Graffiti on the fence or anywhere on the site should be removed within seven (7) working days of discovery.

Parking and storage currently are not controlled on the site. The preliminary development plan (PDP) proposes parking near the building, and along the south frontage. The proposed parking is in compliance with the *LUC*.

The PDP also proposes 10-foot wide landscape borders along the Campbell Avenue and 36<sup>th</sup> Street frontages. The landscape plan indicates a new fence along the east and south property lines, however no details are provided. The *LUC* will require a five-foot tall screen along the Campbell Avenue frontage because it is a local street. A 30-inch tall wall is required along the north side of the 36<sup>th</sup> Street landscape border because it is a *MS&R* route. It is unclear how the required wall and the proposed fence will work together. That should be resolved before the development package is submitted for review.

Portable wheel and tire displays may be placed outside during working hours. These displays must be moved into the storage area or the building outside of business hours. Outdoor activities such as the use of air compressor(s), power tools, car lift(s), and outdoor auto service areas shall be oriented away from residential properties to reduce noise impacts.

All signage on the site, including building signage, free-standing or display signage should be professionally produced, or at a minimum be made using a template or stencil. Free-form hand-made signs will not be permitted.

The existing building is proposed to remain. Should the building be replaced, the new structure shall have a maximum height of 15 feet to maintain the residential scale of the site, with a color palette and architect elements that reflect area structures.

Drainage/Grading/Vegetation – The rezoning site is relatively flat with a northeast to southwest shallow sheet flow drainage pattern. Depressed landscape borders will capture some of the flow. A drainage report that addresses onsite and offsite drainage and their impact on this development and the impact of 18th Street Wash, located west of the subject parcel, will be required.

Road Improvements/Vehicular Access/Circulation – If the pavement on the site is badly deteriorated it should be replaced. Any damaged, existing sidewalks should be repaired or

replaced. Additionally, the existing wheelchair access ramp should be replaced with the appropriate standard ramp.

**Conclusion** – The proposed rezoning is in general conformance with the General Plan policies. The site will retain its residential scale and the property will be visually improved as part of the rezoning, and will continue to provide services to the local community. Therefore, subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated August 15, 2012, 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 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. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning. The rezoning will be effectuated when a site inspection determines all Code requirements and conditions of rezoning have been met.

LAND USE COMPATIBILITY

8. Outdoor storage area shall be screened by a minimum six-foot tall opaque enclosure.

### Preliminary Conditions

9. All items kept in storage area shall not be visible above the screen.
10. Other than portable tire and wheel displays, all tires and wheels shall be stored within the building or the storage area. Portable displays must be stored indoors or in the storage area outside of business hours.
11. Non-operative and over-night vehicles shall be stored within the storage area or building. Such vehicles shall not be stored for more than fourteen (14) days.
12. Outdoor activities such as air compressors, power tools, car lifts, and outdoor auto service areas shall be oriented to reduce noise impacts to the neighboring properties.
13. Graffiti shall be cleaned up within seven (7) working days of discovery.
14. All signage, whether free-standing, on the building, or on displays, shall be made using, at a minimum a template or stencil. No free-form hand-painted signs are permitted.
15. Any improvement to, or reconstruction of the building shall maintain the mass architectural consistency with the area. Building shall not exceed 15 feet in height.
16. Hours of operation shall be limited to 6:00 AM to 10:00 PM, including towing and delivery of disabled vehicles.
17. 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 (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.
18. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

### DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

19. Submit a drainage report that addresses onsite and offsite drainage and their impact on this development and the impact of 18th Street Wash located west of the subject parcel.
20. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide root zones with a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil; or 600 cubic feet (no deeper than 3 feet) of structured soil that can be compacted at

Preliminary Conditions

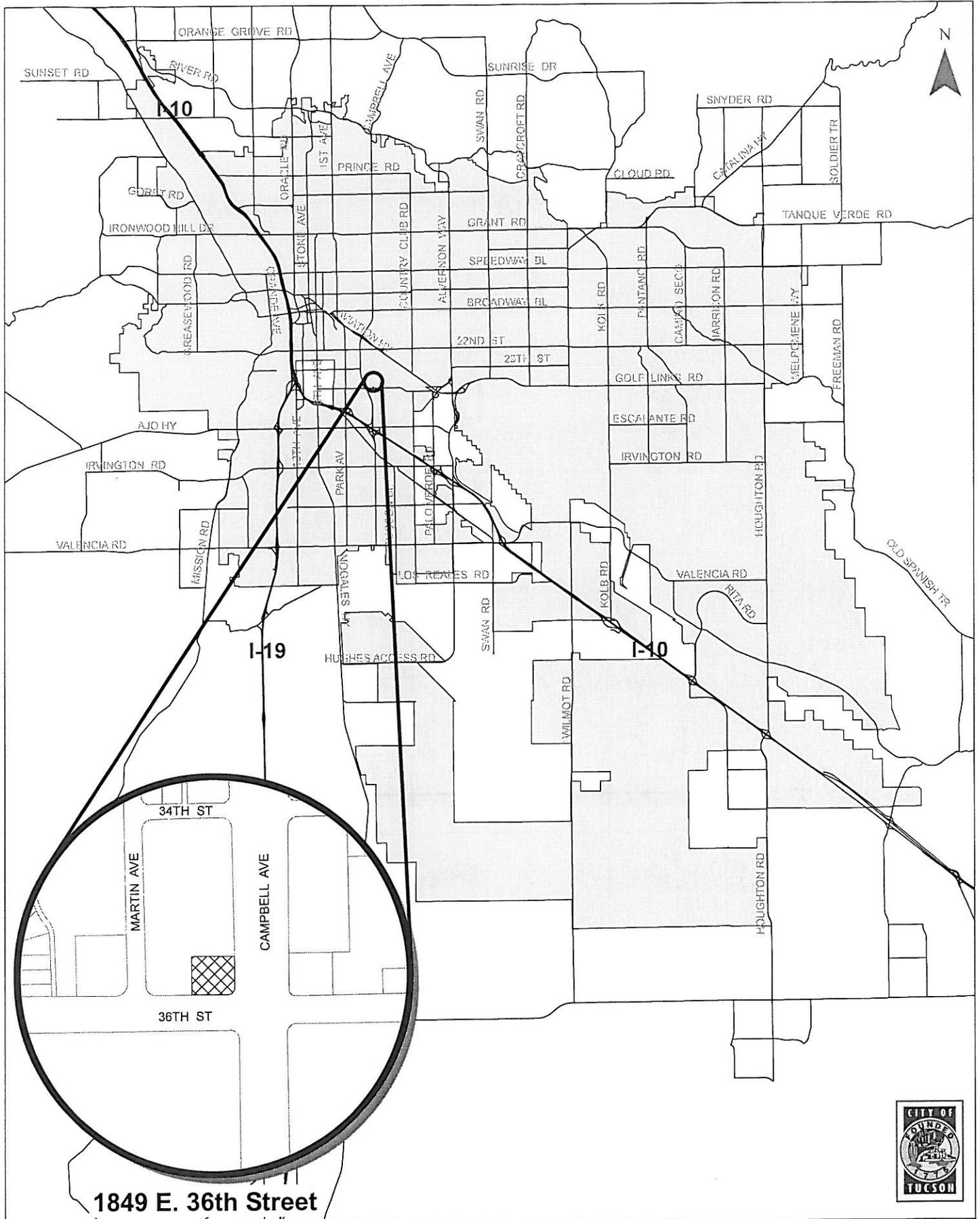
95%, per manufacturers recommendation, so that pavement can be laid directly over the structured soil while allowing development of roots.

21. Upon reconstruction of, or relevant improvement to the building, the owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide materials with building permit application and reference rezoning case number C9-12-10. New and replacement roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

22. Repair or replace deteriorated pavement in driveways, PAAL's, and parking areas. Refer to the City of Tucson Standards for guidance.
23. Repair or replace any damaged existing sidewalks. In addition, replace the existing wheelchair access ramp with the appropriate standard ramp.

# C9-12-10 Valencia (Galindo) - 36th Street



1849 E. 36th Street



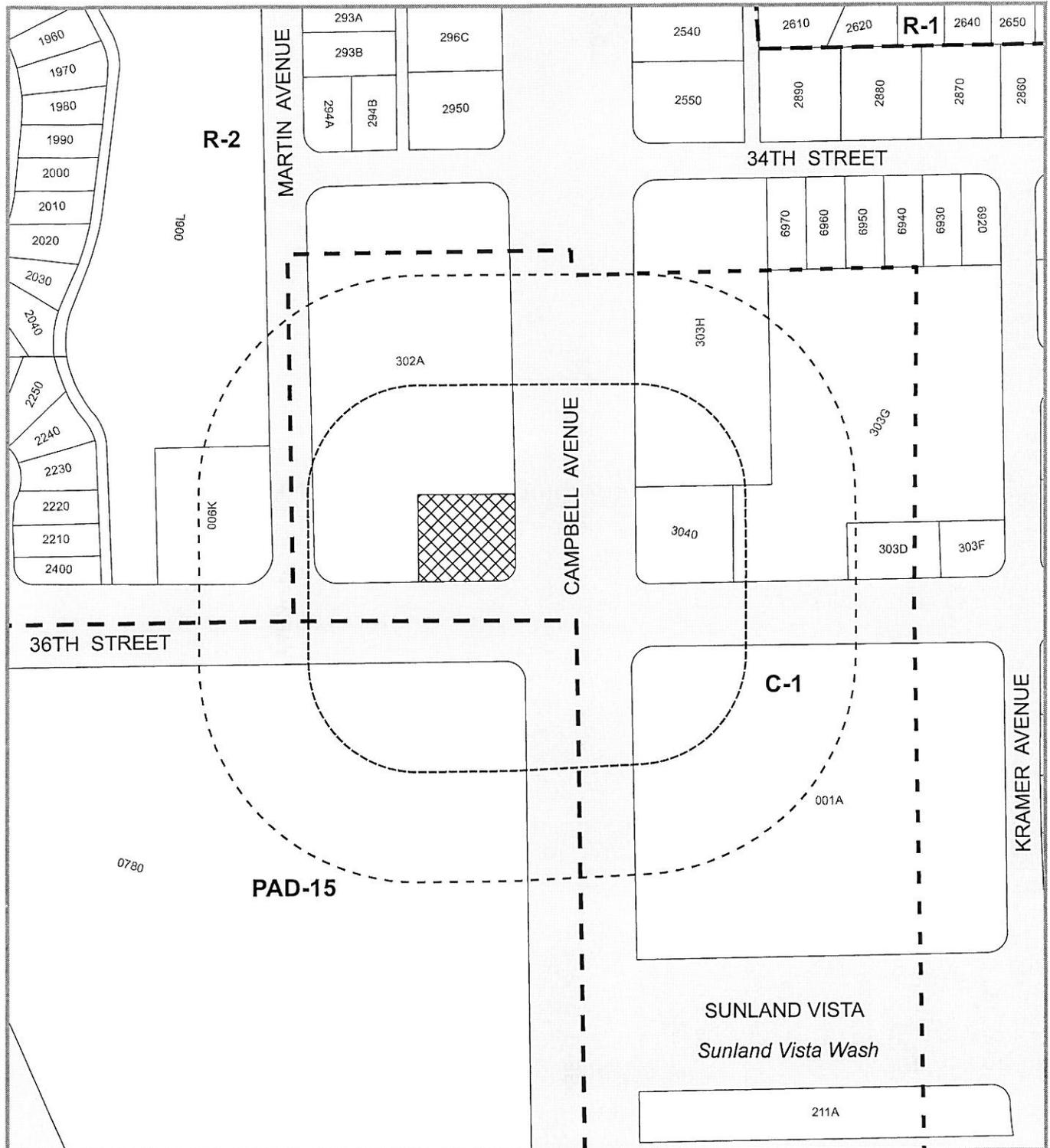


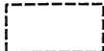
**C9-12-10 Valencia (Galindo) - 36th Street**  
2010 Aerial



# C9-12-10 Valencia (Galindo) - 36th Street

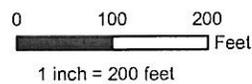
## Rezoning Request: from C-1 to C-2



-  Area of Rezoning Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



Address: 1849 E. 36th Street  
 Base Maps: Sec.19 T.14 R.14  
 Ward: 5



**PUBLIC FACILITIES AND SERVICES REPORT FOR NOVEMBER 8, 2012**  
(as of October 19, 2012)

**C9-12-10 Valencia (Galindo) – 36<sup>th</sup> Street, C-1 to C-2**

**CITY AGENCIES**

**Planning & Development Services – Engineering:** See comments dated September 11, 2012.  
**Planning & Development Services – Community Design:** See comments dated September 17, 2012.  
**Planning & Development Services – Zoning Review:** See comments dated September 6, 2012.  
**Transportation – Engineering:** See comments dated September 17, 2012.

**No Objections Noted**

**Tucson Fire Department**  
**Tucson Water Department**  
**Transportation – Traffic Engineering**  
**Planning & Development Services – Landscape**  
**Planning & Development Services – Sign Code**  
**Planning & Development Services – Zoning Enforcement**  
**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Tucson Parks and Recreation**  
**Tucson Police Department**  
**Office of Conservation & Sustainable Development**

**NON-CITY AGENCIES**

**No Objections Noted**

**PAG-TPD**  
**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**

Staff comments can be viewed on the internet at: <http://www.tucsonaz.gov/PRO/pro/devactionsrch.jsp> . After accessing this link, click the “Advanced Search” button and enter the “C9-12-10” case number in the activity number box. Then click the “Reviews” button and then click the “Details” button which is to the left of the “REZONING - ZE HEARING” workflow description.

Place  
Stamp  
Here

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

C9-12-10

Expose this flap - Affix stamp and return

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

C9-12-10  
**IMPORTANT REZONING NOTICE ENCLOSED**

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



## 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: C9-12-10 Valencia (Galindo) – 36<sup>th</sup> Street , C-1 to C-2  
Ward # 5**

\_\_\_\_\_  
I/We the undersigned property owners, wish to  APPROVE the proposed rezoning.  
 PROTEST the proposed rezoning.

**Reason:**

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

Owner’s Signature: \_\_\_\_\_ Date \_\_\_\_\_