

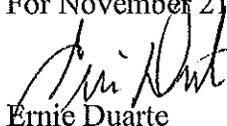


# MEMORANDUM

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DATE: November 1, 2013  
For November 21, 2013 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM:   
Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING: PLANNING & DEVELOPMENT SERVICES REPORT  
C9-13-10 Bass – Woodland, R-1 to C-1 (Ward 6)

**Issue** – This is a request by Anne Graham-Bergin, on behalf of the property owners, Charles and Patti Bass, to rezone approximately 0.4 of an acre from R-1 (low density residential) to C-1 (low-intensity commercial) zoning. The rezoning site is an inverted “L” shape parcel located on the north side of 5th Street, approximately 360 feet west of Craycroft Road (see Case Location map). The parcel was previously exempt from City of Tucson standards due to its development as a United States Post Office. The applicant proposes to conform the existing zoning to the existing use (parking lot for the former Post Office). The site plan proposes continued use of the rezoning site for motor vehicle parking to serve the former Midtown Annex Post Office.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of C-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Parking triggered

Surrounding Zones and Land Uses:

North: Zoned Residence Zone (R-1); church parking area

South: Zoned Commercial Zone (C-1) and Residence Zone (R-1); former U.S. post office site and single family homes, one-story

East: Zoned Commercial Zone (C-1); commercial and office use

West: Zoned Commercial Zone (C-1); former U.S. post office site

Previous Cases on the Property:

C9-70-25 Pottorff – E. 5<sup>th</sup> Street This was a request to rezone from B-1 and R-1 to R-3 to allow for the development of 97 luxury apartment units, parking, and associated open space. Staff recommended approval and the case proceeded to the Planning Commission for review. The case was withdrawn on August 3, 1970.

Related Cases:

C9-09-14 BMC Tucson Parking – Venice Avenue, R-1 to P. This was a request to rezone approximately 0.83 of an acre from R-2 to P zoning to support the established use. The rezoning site is located on the west side of Venice Boulevard on Bellevue Street, north of Speedway Boulevard. On September 8, 2010, the Mayor and Council voted 7-0 to adopt Ordinance No. 10834.

**Applicant's Request** – The rezoning request is to change the zoning from R-1 to C-1. The main portion of the property is zoned C-1. The rezoning will allow the property owner to establish a consistent zoning pattern for the property, support the established building, and will allow the property owner to combine both parcels into a single tax parcel.

**Planning Considerations**

Land use policy direction for this area is provided by the *General Plan* and the *Broadway-Craycroft Area Plan*.

*Broadway-Craycroft Area Plan (BCAP):* Nonresidential policy guidance set forth by the *BCAP* supports new commercial and low rise office development or redevelopment as designated on the *BCAP* map. The rezoning site is identified as an appropriate location for office or commercial uses. Plan policy also encourages the integration of non-residential development with existing, adjacent non-residential uses by providing for common access points, parking, and an integrated vehicular/pedestrian circulation system. Plan policy direction is to require appropriate design elements and buffering techniques during the rezoning and related development review processes to ensure the sensitive design of new non-residential development and redevelopment in established neighborhoods. The *BCAP* promotes the consolidation of adjacent non-residential parcels to allow for adequate buffering.

*The General Plan (GP):* The *GP* supports development including nonresidential uses where the scale and intensity are compatible. Appropriate redevelopment of commercial uses at intersections of major streets is also supported with priority to promote the use and improvement of existing infrastructure. The *GP* also promotes an 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. *GP* policy calls for economic viability of existing neighborhoods and commercial districts, and increased pedestrian activity and transit use. *GP* policy also encourages the expansion and continued viability of trade, service activities, and to assist local firms in the trade and service sectors to expand their existing markets.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 78 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

**Land Use Compatibility** – The rezoning site is an inverted “L” shape on the north and east sides of the former Midtown Annex Post Office site. The site plan shows the rezoning site as currently vacant but previously used as parking for the Post Office. Primary access for the main portion of the site is from 5<sup>th</sup> Street, a collector street as identified on *Major Streets and Routes Plan* map. The main portion of Post Office site has C-1 commercial zoning and is developed with an existing one story building formerly used as the Midtown Annex Post Office. The back of this building is screened by a masonry block wall with cedar picket fence on top to provide access for the processing of mail. It is sufficiently setback to reduce the impact of commercial development on the neighboring residential uses. Based on *Plan* policy and Land Use Concept map, C-1 commercial is an appropriate use/zone at this location. The existing one-story building and future building heights will not exceed thirty feet consistent with plan direction. The proposed rezoning will facilitate future integration with the abutting commercial development to the east and has the potential to visually improve the character of the area. The site is adjacent to a commercial use in C-1 zoning to the east and to the north is parking for a church in R-1 zoning. The trash dumpster and loading areas are not shown on site plan but are required to be a minimum of 50 feet from residential uses and should be screened with landscaping and/or six foot masonry wall. For pedestrians and users safety, the outdoor security lighting is appropriate.

**Landscaping and Screening** – The site plan does not reflect any landscaping along 5<sup>th</sup> Street and Woodland Avenue or how adjacent residential uses are screened. Plan policy calls for a minimum ten foot wide landscape border with trees and shrubs and a five foot high masonry screen wall along appropriate property lines. To promote visual interest, staff recommends that all screen walls have a decorative design; that the surface texture and colors complement the buildings; and that they be constructed of or painted with graffiti-resistant materials. During future site redevelopment the development plan shall properly address Universal Development Code standards, including landscaping and screening.

All vegetation shall be low maintenance and drought-tolerant vegetation and/or trees of similar form and scale to the types existing in the area. Plan policy encourages the use of walls to complement existing developments and to screen. In addition to enhancing the visual quality of the project, enhanced landscaping will help counteract the urban heat island effect. Landscape areas should be properly maintained.

**Conclusion** – The request to rezone to C-1 zoning is consistent with policy direction provided in the *Broadway-Craycroft Area Plan* and the *General Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports February 2, 2013 is 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.
7. Owner/applicant is responsible for permitting a striping plan to effectuate this rezoning case.

LAND USE COMPATIBILITY

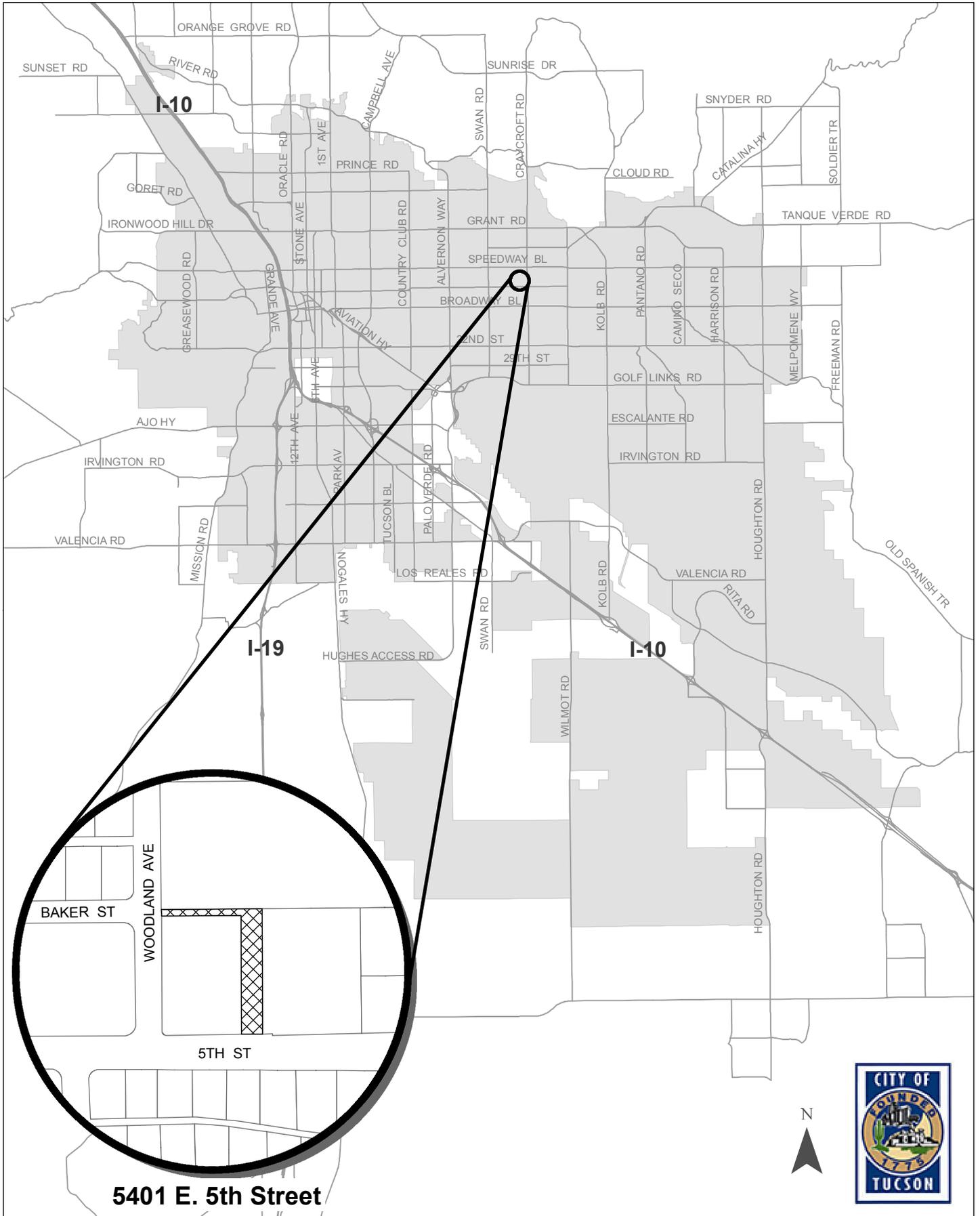
8. Any future outdoor security lighting, to be mounted on pole(s) or attached to building(s), at a height no greater than height of existing building, directed down and shielded away from adjacent residential parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan.
9. Building façade of any future building to match existing building and be compatible with surrounding residential land uses, and integration of Broadway-Craycroft Area Plan design guidelines. Provide elevations for existing and proposed building(s), with dimensions and color palette to CDRC.
10. 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

### Preliminary Conditions

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.); rustic metal, and/or trees and shrubs in voids created by the wall variations.

11. Noise-generating activities (trash/ recycling collection and loading zone) shall be a minimum of fifty (50) feet from a residentially zoned or used property, and shall be screened with landscaping and/or six foot masonry wall.
12. Landscape vegetation shall be low maintenance and drought-tolerant vegetation and/or trees of similar form and scale to the types existing in the area.
13. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

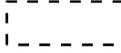
# C9-13-10 Bass - Woodland Avenue



# C9-13-10 Bass - 5th Street

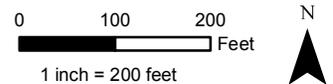
## Rezoning Request: from R-1 to C-1



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



Address: 5401 E. 5th Street  
 Base Maps: Sec.11 T.14 R.14  
 Ward: 6





4TH STREET

BAKER ST

WOODLAND AVENUE

5TH STREET

WOODLAND VISTA AVE

**C9-13-10 Bass - Woodland Avenue**  
2010 Aerial

0 25 50 100  
Feet  
1 inch = 100 feet



**PUBLIC FACILITIES AND SERVICES REPORT FOR NOVEMBER 21, 2013**  
(October 24, 2013)

**C9-13-10 – Bass – Woodland Ave.,  
R-1 to C-1**

**CITY AGENCIES**

**Planning & Development Services – Community Design:** See attached comments dated October 14, 2013  
**Planning & Development Services – Engineering:** See attached comments dated October 10, 2013  
**Planning & Development Services – Zoning Review:** See comments dated October 1, 2013

**No Objections Noted**

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

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 75 vehicle trips per day.

**No Objections Noted**

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

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, *November 1, 2013* at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)

Planning & Development Services Department

# PRO - Property Research Online

## Plan Review Detail Results

**Permit Status:** ACCEPTED **Activity Number:** C9-13-10  
 The rezoning request is to change the zoning from R-1 to C-1. The main portion of the property is zoned C-1. The rezoning will allow the property owner to establish a consistent zoning pattern for the property, legitimize the parking area, and combine two parcels into a single tax parcel.

**Permit Type:**

**Site Address:** 5401 E 5TH ST

**Applicant Name and Address:**  
 ANNE GRAHAM-BERGIN  
 LAW OFFICE OF ANNE C. GRAHAM-BERGIN  
 2205 E. SPEEDWAY  
 TUCSON, AZ85711

Review Completed	Reviewer's Name	Type of Review	Review Status
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10/01/2013	STEVE SHIELDS	ZONING	This has been completed
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**Comments:**

CDRC TRANSMITTAL

TO: Development Services Department  
 Rezoning Section

FROM: Steve Shields  
 Lead Planner

PROJECT: 5401 E. 5th Street  
 Rezoning Case Number - C9-13-10  
 R-1 to C-1

TRANSMITTAL: October 1, 2013

As no use was provided on the preliminary development plan Zonings comments are based on the last approved use, Office - T12CM03109.

The last approved use falls under UDC Section 4.8.6, Table 4.8-4 Permitted Uses - Commercial and Mixed Use Zones, Administrative and Professional Office, subject to Use Specific Standard 4.9.13.O.

Allowable Building Height: 30'  
 Existing Building Height: Not Provided  
 Vehicular Access: Vehicular access appears to be adequate  
 Vehicle Parking Required: Not Provided  
 Vehicle Parking Provided: Not Provided  
 Pedestrian Access: It is not clear if the existing pedestrian circulation meets code requirements.

If you have any questions about this transmittal, please Steve Shields, (520) 837-4956 or Steve.Shields@tucsonaz.gov.

10/07/2013	CLAURIE1	ADOT	This has been completed
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**Comments:**  
none

10/07/2013	CLAURIE1	OTHER AGENCIES	No Objection Noted
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**Comments:**  
none

10/07/2013	CLAURIE1	SCHOOL DISTRICT	This has been
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			completed
<b>Comments:</b>	none		
10/09/2013	LAITH ALSHAMI	ENGINEERING	This has been completed
<b>Comments:</b>	<p>Laith Alshami, Engineering and Floodplain Review, 10/09/2013,</p> <p>SUBJECT: Parking for U.S. Post Office for existing building, 5401 E 5th Street Rezoning Case C9-13-10, T14S, R14E, SECTION 11</p> <p>RECEIVED: Rezoning Preliminary Development Plan on October 01, 2013</p> <p>The Preliminary Development Plan is acceptable pertaining to Engineering and Floodplain review. PDSO Engineering and Floodplain Review will not require any additional conditions.</p>		
10/10/2013	CLAURIE1	TDOT RTA	This has been completed
<b>Comments:</b>	none		
10/11/2013	JOSE ORTIZ	DOT TRAFFIC	Approved
<b>Comments:</b>	<p>From Zelin Canchola Traffic Engineering</p> <p>No issues or objections.</p>		
10/11/2013	CLAURIE1	ENV SVCS	Approved
<b>Comments:</b>	none		
10/11/2013	KEN BROUILLETTE	FIRE	Approved
<b>Comments:</b>	none		
10/11/2013	CLAURIE1	PARKS & RECREATION	No Objection Noted
<b>Comments:</b>	none		
10/11/2013	CLAURIE1	PIMA ASSN OF GOVTS	No Objection Noted
<b>Comments:</b>	none		
10/11/2013	CLAURIE1	PIMA CNTY WASTEWATER	No Objection Noted
<b>Comments:</b>	none		
10/11/2013	CLAURIE1	TDOT STREETS	No Objection Noted
<b>Comments:</b>	none		
10/11/2013	CLAURIE1	TUCSON WATER NEW AREA DEVELOPMENT	No Objection Noted
<b>Comments:</b>	none		
10/14/2013	MTAKU1	COMMUNITY PLANNING	This has been completed
<b>Comments:</b>	<p>PLANNING &amp; DEVELOPMENT SERVICES DEPARTMENT C9-13-10 Bass-Woodland- 5401 E. 5th Street R-1 to C-1 General Plan and Broadway-Craycroft Area Plan</p>		

10/11/13 mt, FULL Review

The rezoning seeks to rezone Tax Parcel 127-02-361C which is adjacent to Tax Parcel 127-02-362B and together they make up the property located at 5401 East 5th Street, the site of a former U.S. Post Office. The main portion of the property contains 49,981.7 square feet, approximately 1.1 acres in size. The rezoning site contains 15,999.2 square feet, approximately .37 acres in size. The rezoning parcel was used as parking for the Post Office and is striped for twenty-four (24) parking spaces. Primary access to the parcels is from an ingress/egress driveway along 5th Street, currently blocked. Secondary access is from two driveways on Woodland Avenue, one with a limited gated access for the Post Office truck delivery of mails and the other with a "One-way Do not enter sign" posted.

According to the Major Streets and Routes (MS&R) Plan, 5th Street is designated a collector street.

Surrounding Land Uses and Zones: The property to the north is zoned R-1 Single-Family Residential and developed with a parking lot for the Christ Church United Methodist located on the east half of the parcel fronting on Craycroft Road. The property to the east is zoned C-1 Commercial and developed with an office building. The property to the south directly across 5th Street is zoned R-1 Single-Family Residential and developed with low density residential uses. The property to the southeast across 5th Street is zoned C-1 Commercial and developed with office/commercial use. The property to the west is zoned C-1 Commercial and developed with the old Midtown Annex Post Office. The property immediately west of the main portion of the property, immediately west of Woodland Avenue is zoned C-1 Commercial and developed with a parking lot for the Church Central Baptist

#### Applicable Land Use Plan Policies:

The General Plan and the Broadway-Craycroft Area Plan (BCAP) provide policy direction for this site.

The General Plan policy supports commercial uses at intersections of major streets. Plan policy supports nonresidential uses where the scale and intensity of use will be compatible with adjacent uses; and calls for appropriate locations for commercial and office uses, with priority ? to promote use and improvement of existing infrastructure. Plan policy promotes an 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 policy calls for economic viability of existing neighborhoods and commercial districts, to use and improve existing infrastructures, increase pedestrian activity and transit use. Plan policy encourages the expansion and continued viability of trade and service activities and to assist local firms in the trade and service sectors to expand their existing markets.

Broadway-Craycroft Area Plan (BCAP) policy allows new commercial and low rise office development or redevelopment ... as designated on the Broadway-Craycroft Land Use Concept Map which identifies the rezoning site as appropriate for office or commercial uses. Plan Policy encourages the integration of non-residential development with existing, adjacent non-residential uses, by providing for common access points and parking and an integrated vehicular/pedestrian circulation system. Plan policy calls for all required parking and maneuvering on-site. Plan policy direction is to require appropriate design elements and buffering techniques during the rezoning and related development review processes to ensure the sensitive design of new non-residential development and redevelopment in established neighborhoods (As per General Design and Buffering policies). Plan policy promotes the consolidation of adjacent non-residential parcels to allow for adequate buffering of adjacent residential uses. Plan policy limits vehicular access to major streets as identified on MS&R Plan map.

#### Preliminary Development Plan Consistency with Land Use Policies:

##### Land Use Compatibility

The applicant's site plan shows the rezoning site as vacant but previously used as parking for Post Office. Primary access for the main portion of the site is from 5th Street, a collector street as identified on MS&R Plan map. The main portion of subject site has C-1 commercial zone with an existing one story building formerly used as a Post Office. The back of this building is screened by a masonry block wall with cedar picket fence on top to provide access for the Post Office truck delivery of mails. It is sufficiently setback to reduce the impact of commercial development on the neighboring residential uses and will be screened from by a masonry wall and landscaping. Based on Plan policy and Land Use Concept map, C-1 commercial is an appropriate use/zone at this location as it will blend with surrounding character of this neighborhood. The existing one-story building and future building heights will not exceed thirty (30') feet consistent with plan direction. Any future integration with the abutting

commercial development to the east could allow the site to be developed compatibly with the surrounding uses and has the potential to visually improve the character of the area. The site is adjacent to a commercial use in C-1 zoning to the east and to the north is parking for a church in R-1 zoning. The rezoning site is separated from these land uses by masonry wall along the northern and east perimeter with no plans to remove the walls. The size of the rezoning parcel is too small to be developed independently in the R-1 zoning classification.

The trash dumpster and loading areas are not shown on site plan but required to be a minimum of 50 feet from residentially-zoned areas to the north, west and south and should be screened with landscaping and/or 6' masonry wall. For pedestrians and users safety, the parking lot to be equipped with proper outdoor lighting.

Landscaping and Screening - The site plan does not show any landscaping along 5th Street and Woodland Avenue or how adjacent residential uses are screened. Plan policy calls for a minimum ten (10') wide landscape border with a variety of trees and shrubs and a five foot high masonry screen wall along the west and south property boundaries to buffer Single-Family Residences across 5th Street and Woodland Avenue. All vegetation shall be low maintenance and drought-tolerant vegetation and/or trees of similar form and scale to the types existing in the area. Plan policy encourages the use of walls to complement existing developments and to screen parking areas with landscaped with a mix of canopy trees and understory shrubs and ground cover. To promote visual interest, staff recommends that all screen walls have a decorative design; that the surface texture and colors complement the buildings; and that they be constructed of or painted with graffiti-resistant materials. In addition to enhancing the visual quality of the project, enhanced landscaping will help counteract the urban heat island effect. Landscape area to remain weed free, include eradication of buffelgrass and spray retention basins for insect and larva growth during the appropriate seasons, as part of the routine landscape maintenance.

Vehicular Access/Pedestrian Circulation -Plan policy calls for all parking, loading and maneuvering onsite. The site plan submitted shows an existing parking area striped for twenty-four (24) parking spaces. The site abuts a collector street, 5th Street, paved, with two- lanes cross sections and no center median. A sidewalk exists along 5th Street and Woodland Avenue. Main access to the site frontage is on 5th Street with a secondary access from Woodland Avenue, with two driveways, one gated and the other with a "One way Do not enter sign "posted. An existing 24' wide on-site pedestrian access path (PAAL) will provide circulation within the site and connect to 5th Street. Plan policy supports non residential development by minimizing the number of access points and to direct through traffic and traffic generated by more intense use onto major streets.

#### SUMMARY AND RECOMMENDATION -

If the rezoning is approved, it will provide greater opportunity for a holistic redevelopment of the two parcels and would contribute to the vitality of this activity hub, improve the visual quality of this intersection, provide services for area residents, and help stabilize and improve the neighborhood edge. Adaptive reuse of the existing building and designing future uses to be sensitive to the adjacent residential neighborhood can be beneficial to the neighborhood, the surrounding area, and the larger community. Integrating with the adjacent commercial development to the east will allow the parcel to be developed compatibly with the surrounding uses and has the potential to visually improve the character of the area.

The request to rezone the eastern portion of the parcel to commercial use is consistent with the Broadway-Craycroft Area Plan and the General Plan, which support protection of established residential neighborhoods regarding compatibility with the scale, intensity and character of the surrounding development. The following are recommended conditions of rezoning:

1. Any future outdoor security lighting, to be mounted on pole(s) or attached to building(s), at a height no greater than height of existing building, to be full cutoff directed down and shielded away from adjacent residential parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan.
  - a. GP, Element 2, Policy 3&5, Supporting Policy 3.9. 5.3&5.6
  - b. GP, Element 4, Policy 6, Supporting Policy 6.1
  - c. GP, Element 6, Policy 3, Supporting Policy 3.3
  - d. GP, Element 13, Policy 7, Supporting Policy 7.2
  - e. BCAP, Nonresidential Policy 4A, B &C
2. While the site has existing site boundary screen walls any future site boundary walls shall be graffiti-resistant masonry that incorporates two (2) or more of the following visually appealing design treatments, such as the use of decorative materials like stucco, tile, stone, or brick; a visually-interesting design on the wall surface;

and/or a varied wall alignment (job, curve, notch, setback, etc.). Provide wall detail.

Graffiti to be removed within five working days of discovery.

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3&5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B&C

3. Building façade of any future building to match existing building and be compatible with surrounding residential land uses, and integration of Broadway-Craycroft Area Plan design guidelines. Provide elevations for existing and proposed building(s), with dimensions and color palette.

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3 & 5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B&C

4. Demonstrate that all parking and maneuvering can be provided on-site.

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3 & 5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B&C

5. Noise-generating activities (trash collection and loading zone) shall be a minimum of fifty (50) feet from a residentially zoned or used property, and shall be screened.

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3 & 5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B&C

6. A minimum ten foot (10) wide landscape border shall be provided along the entire west and south property lines, except at approved access points. All vegetation shall be low maintenance and drought-tolerant vegetation and/or trees of similar form and scale to the types existing in the area, as may be approved by COT Landscape Standards.

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3 & 5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B & C

7. Prior to development plan approval, combine the two existing parcels into single parcel

- a. GP, Element 2, Policy 3&5, Supporting Policy 3.9, 5.3 & 5.6
- b. GP, Element 4, Policy 6, Supporting Policy 6.1
- c. GP, Element 6, Policy 3, Supporting Policy 3.3
- d. GP, Element 13, Policy 7, Supporting Policy 7.2
- e. BCAP, Nonresidential Policy 3B&C
- f. BCAP, Nonresidential Policy 4A, B & C

## PLAN POLICIES

### General Plan

#### " Element 2: Land Use

Policy 3: Protect established residential neighborhoods by supporting compatible development.

3.9 Support nonresidential uses, including limited industrial and park industrial, where the scale and intensity of uses will be compatible with adjacent uses, including residential development and neighborhood schools and businesses. Community-scaled commercial and office uses located at the intersections of arterial streets, taking into consideration traffic, safety and congestion issues.

Policy 5: Support appropriate locations for commercial and office uses, with priority to promote use and improvement of existing infrastructure, to increase pedestrian activity and meet residents' needs for goods and services in a cost-effective and equitable manner.

5.3 Support the redevelopment of neighborhood-related commercial uses accessible from adjacent neighborhoods located at the intersection of arterial streets.

5.6 Consider the expansion of commercial areas into adjacent residential areas when logical boundaries, such as existing streets or drainage ways, can be established adjacent residential property can be appropriately screened and buffered.

#### " Element 4: Community Character and Design

Policy 6: Promote quality in design for residential, commercial, industrial, mixed-uses, and publicly-funded development.

6.1 Promotes an 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. Commercial/park industrial development should incorporate solutions and strategies that promote appropriate design elements, such as connectivity and consolidation, while responding to adjacent residential development, improving the streetscape, and enhancing the experience and perception of employees and customers through scale and mass considerations.

#### " Element 6: Conservation, Rehabilitation, and Redevelopment

Policy 3: Promote the continued physical and economic viability of the neighborhood and commercial districts.

3.3 Provide for a continue economic viability of existing neighborhood and commercial districts by promoting safety and maintenance programs and by encouraging appropriate new development

#### " Element 13: Economic Development

Policy 7 Encourages the expansion and continued viability of trade and service activities.

7.2 Assist local firms in the trade and service sectors to expand their existing markets.

Broadway-Craycroft Area Plan (BCAP).

Policy allow new commercial and low rise office development or redevelopment ... as designated on the Broadway-Craycroft Land Use Concept Map which identifies the site as appropriate for office or commercial uses.

Non-Residential Policy 3 B. Encourage the integration of non-residential development with existing, adjacent non-residential uses, by providing for common access points and parking and an integrated vehicular/pedestrian circulation system.

Non-Residential Policy 3 C. Provide all required parking and maneuvering on-site.

Non-residential Policy 4 A. Require appropriate design elements and buffering techniques during the rezoning and related development review processes to ensure the sensitive design of new non-residential development and redevelopment in established neighborhoods (see General Design and Buffering policies).

Non-Residential Policy 4 B. Promote the consolidation of adjacent non-residential parcels to allow for adequate buffering of adjacent residential uses.

Non-Residential Policy 4 C. limits vehicular access to major streets only.

S:\UPDfiles\DevRev\CASE\_REVIEW\REZONING\REZ 2013\ C9-13-10 Bass-Woodland -1504 E 5th Street

10/14/2013	JOE LINVILLE	LANDSCAPE	Approved with conditions
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**Comments:**  
The PDSD Landscape Section recommends that the portion of the property proposed for rezoning be modified to attain compliance with the landcape standards of UDC 7.6.4.

10/15/2013	CLAURIE1	DOT ENGINEERING	This has been completed
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**Comments:**  
none

10/15/2013	CLAURIE1	OFFICE OF CONSERVATION & SUSTAINABLE DEVELOPMENT	Approved with conditions
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**Comments:**  
none

10/15/2013	HEATHER THRALL SIGNS		This has been completed
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**Comments:**  
No existing billboards on this property.

**No FINAL STATUS record available for this Workflow**

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**Conditions:**  
none

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# MEMORANDUM

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**DATE:** October 29, 2013

**TO:** File

**FROM:** Rezoning Section

**SUBJECT:** Certification of Mail Out of Zoning Examiner Public Hearing Notice on Rezoning Site

**REZONING CASE NAME:** C9-13-10 Bass – Woodland Avenue

This serves to place on record the fact that on October 29, 2013, BJ Viestenz, mailed notice of the Zoning Examiner's November 21, 2013, public hearing for rezoning case C9-13-10 Bass – Woodland Avenue a minimum of fifteen (15) days prior to the public hearing.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment: copy of mailing list

cc: Linus Kafka, Zoning Examiner

## CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 300 feet of a parcel(s) that is being considered for a rezoning.

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each rezoning in the City of Tucson. Persons attending the hearing are to observe rules of propriety, decorum, and good conduct and are to refrain from rude or slanderous remarks. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all rezoning requests.

You may speak in favor or in opposition to the rezoning during the public hearing. You may also submit a written approval or protest. A form is attached for your convenience.

### PUBLIC HEARING INFORMATION

Date: November 21, 2013

Time: 6:30

Location: Mayor and Council Chambers\* First Floor, City Hall, 255 West Alameda, Tucson, Arizona

The Council Chambers is wheelchair accessible. A request for reasonable accommodation for persons with disabilities must be made to the City Clerk's Office by parties at least five working days in advance of the scheduled meeting and can be made by calling (520) 791-4213 or (520) 791-2639 (TDD).

### APPLICANT

Anne Graham-Bergin  
2205 E. Speedway  
Tucson, Arizona 85719  
520-326-8544

### PROPOSED REZONING

C9-13-10 Bass — Woodland

The rezoning request is to change the zoning from R-1 to C-1 to legitimize parking on the site. The main portion of the property is zoned C-1. The rezoning will allow the property owner to establish a consistent zoning pattern for the property and will allow the property owner to combine both parcels into a single tax parcel.

Notificación de Audiencia Pública del Examinador de Zonificación

Para oír y tomar en consideración el siguiente caso: Bass – Woodland Avenue (Ward 6)

Cambio de Zonificación Solicitada: Rezonificación de la R-1 a C-1 para permitir un modelo de zonificación consistente para la propiedad y legitimar el área de estacionamiento. Ubicación: El lado norte de la calle 5 y aproximadamente 360 pies al oeste de Craycroft Road. Desarrollo Propuesto: No se propone el desarrollo. Se pide rezonificación para traer un aparcamiento existente en el cumplimiento del Código Unificado de Desarrollo.

Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-5550

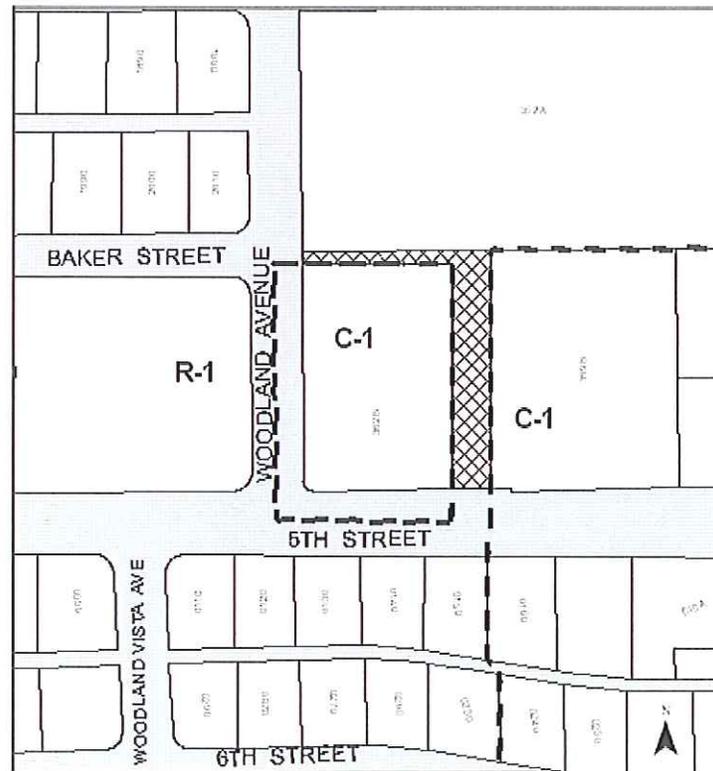
For further information, please call Peter McLaughlin or Carolyn Laurie at (520) 791-5550 or write to Planning & Development Services Department – Rezoning Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, AZ 85726

## ZONING DISTRICT NARRATIVE SUMMARIES

(For a complete description, refer to Unified Development Code, Article 4, which can be found at <http://www.ci.tucson.az.us> )

### Current Zoning:

**R-1 (Residential) to C-1 (Commercial)**



C9-13-10

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, *November 1, 2013* at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



4TH STREET

BAKER ST

WOODLAND AVENUE

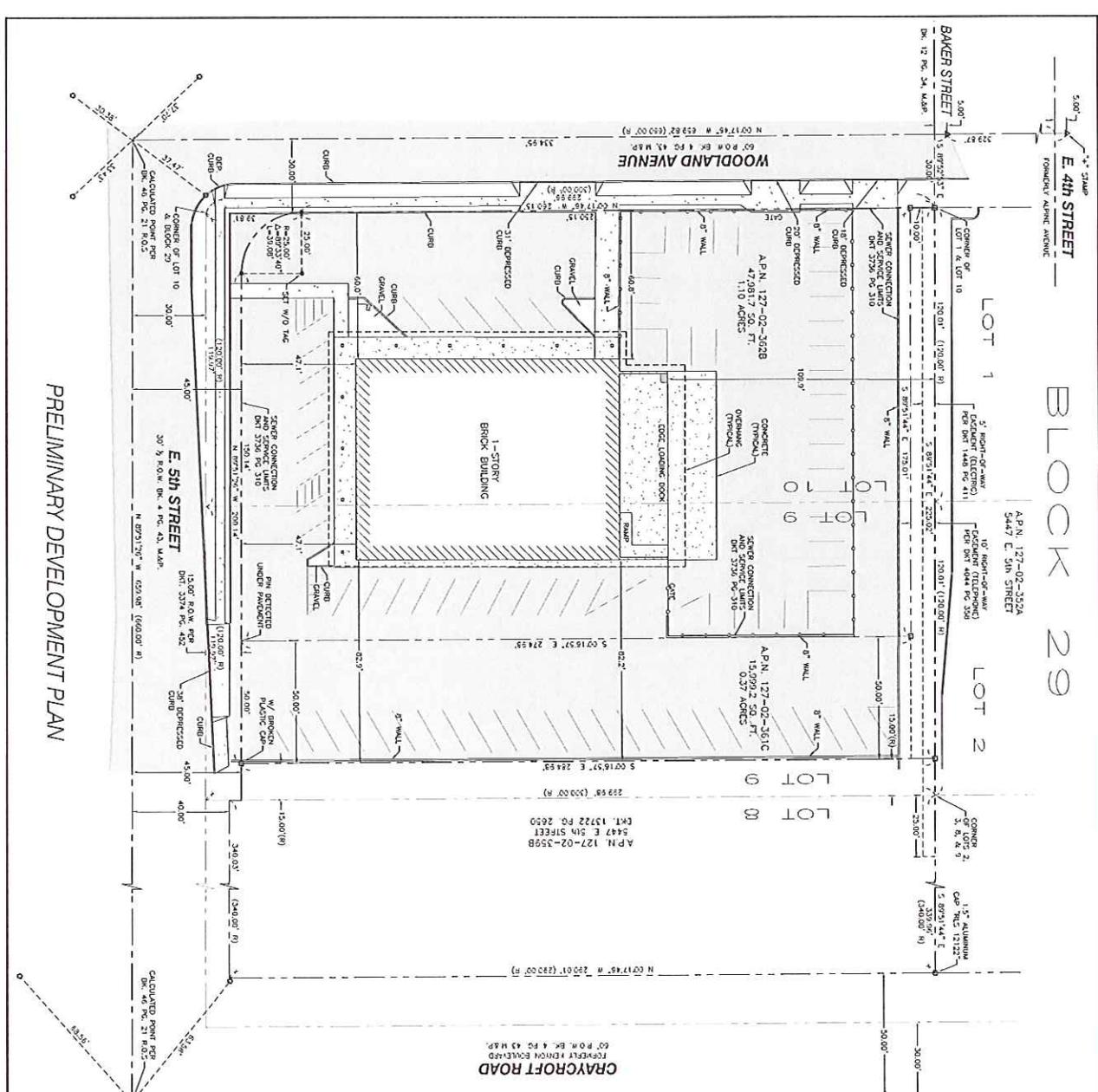
5TH STREET

WOODLAND VISTA AVE

**C9-13-10 Bass - Woodland Avenue**  
2010 Aerial

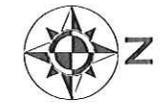
0 25 50 100  
Feet  
1 inch = 100 feet





PRELIMINARY DEVELOPMENT PLAN

OVERALL SUBJECT PARCEL  
 5401 E 5th STREET  
 DMT 11745 PG. 6987  
 0.37 ACRES  
 1.17 ACRES



LEGEND

- 8" CONCRETE WALL
- FOUND CONCRETE WALL
- FOUND CONCRETE WALL AS NOTED
- FOUND CONCRETE WALL W/1/4" R.C. 1200"
- FOUND BRASS CAP MONUMENT AS NOTED
- RECORD DIMENSION PER BK. 4 PG. 43 PLAT
- PLAS SOLI
- PROPERTY LINE
- CENTER LINE
- CHAIN LINK FENCE
- ASPHALT PAVEMENT
- CONCRETE

NOTES

1. THE LOCATION AND EXISTENCE OF THE 5th STREET RIGHT-OF-WAY IS SHOWN ON THE MAP AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF PIMA, ARIZONA.
2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES IS SHOWN ON THE MAP AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF PIMA, ARIZONA.
3. ALL DIMENSIONS SHOWN ON THIS MAP ARE UNLESS OTHERWISE NOTED.
4. RETAINMENT MATERIAL: A RECORDED SURVEY OF DATE 11/11/10, AS SHOWN ON THE MAP, SHOWS THE EXISTENCE OF A 10' HIGH CONCRETE WALL WITH A 10' HIGH RETAINMENT WALL ON THE EAST SIDE OF THE 5th STREET RIGHT-OF-WAY. THE EXISTENCE OF THIS WALL IS SHOWN ON THE MAP AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF PIMA, ARIZONA.
5. THE DATE OF RECORD FOR THIS SURVEY IS THE DATE OF RECORD FOR THE 5th STREET RIGHT-OF-WAY OR 5th STREET TO THE EAST OF THE 5th STREET RIGHT-OF-WAY OR 5th STREET TO THE WEST OF THE 5th STREET RIGHT-OF-WAY, WHICHEVER IS EARLIER.

**CERTIFICATION OF SURVEY**  
 THIS IS TO CERTIFY THAT THE SURVEY WAS PERFORMED UNDER MY DIRECTION DURING THE MONTHS OF 11, 2011, AND THAT ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING ACT OF 1908, AS AMENDED.

EXHIBIT: 12/21/11/13

APPROVED AND AUTHORIZED:  
 JAMES R. POLARIS  
 SURVEYOR  
 ARIZONA REGISTRATION NO. 41603

**POLARIS LAND SURVEYING, LLC**  
 3528 N. FLOWING WELLS RD.  
 TUCSON, ARIZONA 85705  
 TEL: (520) 322-6400  
 FAX: (520) 322-6401

**SURVEY OF A PORTION OF LOTS 9 & 10, BLOCK 29 OF 'MITMAN ADDITION' AS RECORDED IN BOOK 4, PAGE 43 OF MAPS AND PLATS, LOCATED IN THE N.E. 1/4 OF SECTION 11, T. 14 S., R. 14 E., G. & S. R. M., PIMA COUNTY, ARIZONA**



## 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: C9-13-10 Bass - Woodland WARD: 6**  
**Existing Zone R-1 Proposed Zone: C-1 for parking area only**

\_\_\_\_\_  
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 \_\_\_\_\_

Place  
Stamp  
Here

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

C9-13-10

Expose this flap - Affix stamp and return

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

C9-13-10

**IMPORTANT REZONING NOTICE ENCLOSED**

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