



**CITY OF  
TUCSON**  
ZONING  
EXAMINER'S  
OFFICE

## Preliminary Report

May 30, 2014

Bill Goss  
South Central Industrial Properties, XIII LP  
PO Box 7008  
Waco, Texas 76714

Michael Steele  
Tierra Right of Way Services, Ltd.  
1575 East River Road  
Tucson, Arizona 85718

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Tucson, Arizona 85716

**SUBJECT: C9-13-11 Atlas Copco – Campbell Avenue, P-I to I-1  
Public Hearing: January 16, 2014; May 22, 2014**

Dear Mr. Steele,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-13-11, Atlas Copco – Campbell Avenue. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

### **SUMMARY OF FINDINGS**

This is a request by Michael Steele of Tierra Right of Way Services, Ltd, on behalf of the property owner, South Central Industrial Properties XIII, LP, to rezone approximately 6.46 acres from P-I to I-1 zoning. The rezoning site is bordered by Campbell Avenue on the west and Sears Boulevard on the east and is located approximately 550 feet north of Valencia Road. The industrial site comprises nine parcels that have recently been combined into one. The preliminary development plan depicts a parts and materials storage yard with offices. The rezoning application lists several current and proposed uses for the site, including sales, repair, service and storage of mining equipment, paving equipment, and compressors, with related administrative offices. The administrative offices are located within a 19,736 square foot, 26-foot high steel building located in the southern one-third of the rezoning site. The remaining northern portion of the rezoning site is for outdoor storage of equipment. Per *Unified Development Code* §4.8.7, uses such as trade service and repair, heavy equipment sales, and construction service are not allowed in the P-I zone.

To the north of the rezoning site are industrial uses, zoned P-I. To the west, across Campbell Avenue, is a two-story single family residential development zoned R-2, a two story multifamily development zoned R-3, and undeveloped parcels zoned P-I. The nearest home is located in the single-family residential subdivision to the west, approximately 130 feet from the rezoning site. To the southwest is a vacant, platted industrial subdivision in the P-I and I-1 zones and to the south is vacant land, zoned P-I. To the east across Sears Boulevard is the Los Ranchitos Elementary School site, zoned R-2, and recently closed and repurposed by Sunnyside School District.

Primary access to the site is from Campbell Avenue with secondary access from Sears Boulevard. The *Major Streets and Routes Plan (MS&RP)* designates Campbell Avenue as an arterial street with a future right-of-way of 120 feet. Sears Boulevard is designated a local street. The Pima Association of Governments, Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate no additional vehicle trips per day. A concrete bus shelter pad and bus stop will be provided at the north end of the property, adjacent to Campbell Avenue.

The southern one-third of the site has site improvements including a 26-foot tall steel building, a landscape border along Campbell Avenue, and on-site paved parking fronting Campbell Avenue, approved under a development plan on December 5, 1990. This portion of the site was developed prior to the 1995 adoption of the *Land Use Code (LUC)*. However, any request for expansion of

the permitted uses, either by size or intensity would require the site to be brought into full compliance with the current *Unified Development Code (UDC)*.

A one-year Temporary Use Permit (T12TUP0021) to allow temporary outdoor storage, setup, and repair of mining equipment was approved on October 11, 2012. The TUP includes land use conditions that require fencing, and the outdoor storage area to be graveled as a dust-control measure. The northern two-thirds of the site have been graveled for dust control and chain link fencing with brown plastic slats for screening has been installed around the west, north, and east perimeters.

Land use policy direction for this area is provided by the *Kino Area Plan (KAP)* and *Plan Tucson*.

The *KAP* supports industrial development on land immediately north and east of the Tucson International Airport and encourages clean and attractive industrial developments. Industrial development should be compatible with airport operations and should not present a hazard to aircraft. Uses should be compatible with the noise impacts of the airport, and should not interfere with navigation aids, produce smoke emissions or excessive illumination, allow above ground petroleum storage or explosives manufacturing, or attract birds or other hazards to aircraft.

*Plan Tucson* polices support industrial development and redevelopment that will contribute to Tucson's overall economic vitality. The *Plan* supports activity nodes to increase transit use, reduce air pollution, improve delivery of public and private services and support the retention and expansion of existing businesses.

*Plan Tucson* guidelines for development review applying to new proposals in industrial areas are to be evaluated according to the following criteria:

- a) Convenient access to highway, rail, or air services and routes;
- b) Nearby public transit to serve employees, especially for proposed large industrial facilities with high numbers of employees
- c) Pedestrian access and facilities between bus stops and employment centers;
- d) Parking, loading, and maneuvering requirements are met on-site; and
- e) Architectural detailing provided on all sides of structures and landscaped setbacks from the front and the rear property lines.

The rezoning site is located 550 north of Valencia Road, with convenient access to transportation routes, especially air and highway. The site is within one mile of Tucson International Airport and within three miles of both Interstates 10 and 19. Transit is available on Campbell Avenue. All parking and loading are provided on site. Landscaping and screening are provided along Campbell Avenue and

Sears Boulevard, and the existing administrative office building is designed with similar features on all sides.

**CONCLUSION**

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

**RECOMMENDATION**

The Zoning Examiner recommends approval of I-1 zoning.

Sincerely,



Linus Kafka  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council



CALLE GRANDIOSA

CAMPBELL AVENUE

GINTER ROAD

WIEDING ROAD

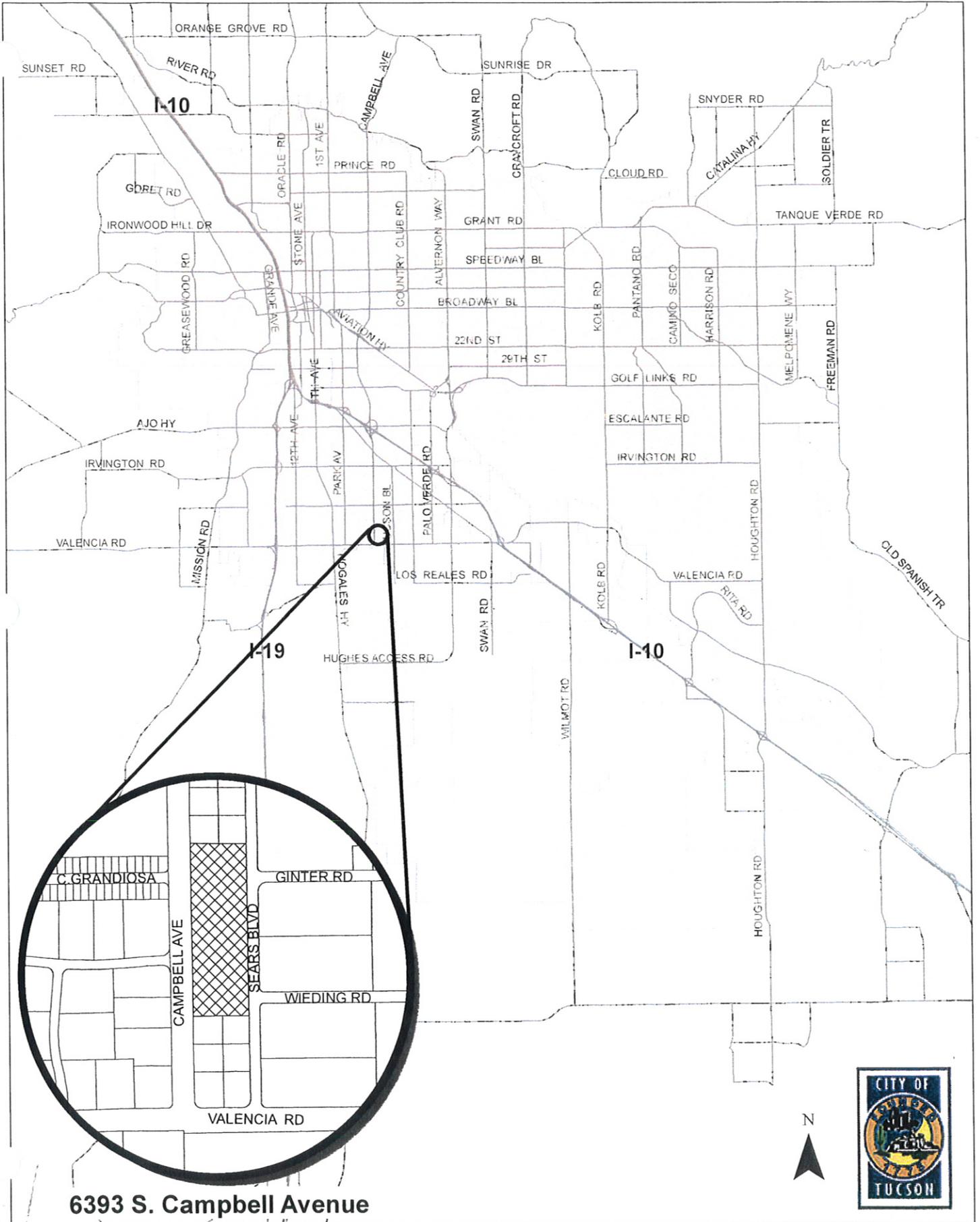
SEARS BOULEVARD

C9-13-11 Atlas Copco - Campbell Avenue  
2010 Aerial

0 50 100 200  
Feet  
1 inch = 200 feet



# C9-13-11 Atlas Copco - Campbell Avenue



6393 S. Campbell Avenue



## Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated October 18, 2013, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 2-06 of the *Administrative Manual*.
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 (l) 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. The rezoning will be effectuated when a site inspection certifies all rezoning conditions and Code requirements have been met.

LAND USE COMPATIBILITY

7. Any equipment and vehicles with booms, mechanical lifts, gantries, etc. within the outdoor open storage area shall be stored in a position of minimum possible height to reduce visual impact of industrial equipment on adjacent non-industrial land uses.
8. Outdoor activities which generate noise, smoke, fumes, glare, etc. such as but not limited to generators, compressors, and power tools, shall be used within enclosures or a minimum of fifty feet from the east and west property lines.
9. Outdoor activities which generate noise, such as but not limited to vehicles with back-up safety beepers, generators, loading/unloading heavy equipment, compressors, cranes, and gantries, shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m.

Preliminary Conditions

10. The owner/developer shall record the an Airport Disclosure Statement prior to the City's approval of the development plan or building permit. The Airport Disclosure Statement discloses the existence, and operational characteristics of the Tucson International Airport, to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The owner/developer shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office. Copies of the form and electronic submittal are available on the internet at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp/>

DRAINAGE/GRADING/VEGETATION

11. The on-site landscape borders fronting Sears Boulevard south of the equipment storage area shall include drought tolerant native canopy trees every thirty-three feet on-average, and understory plantings consistent with the landscape border fronting Sears Boulevard adjacent to the equipment storage area.

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 C9-13-11 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 C9-13-11.

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

Preliminary Conditions

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 C9-13-11.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

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

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

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

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.