CITY OF TUCSON
ZONING EXAMINER'S OFFICE

Preliminary Report

April 3, 2014

BNC National Bank
ATTN: Accounts Payable
P.O. Box 4050
Bismark, ND

Eric J. Uebelhor
InSite Real Estate, LLC
1400 16th Street, Suite 300
Oak Brook, IL 60523-8854

Jeff Hunt, P.E.
2102 N. Country Club Road #9
Tucson, Arizona 85716

SUBJECT: C9-13-14 InSite – Grant Road, RX-2 to C-1
Public Hearing: March 6, 2014, *et al.*

Dear Mr. Hunt,

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 C9-13-14, InSite – Grant Road. 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 a request by Eric J. Uebelhor of InSite Real Estate, LLC, on behalf of property owners BNC National bank, to rezone approximately 0.39 of an acre from RX-2 to C-1 zoning. The rezoning site is located on the north side of Grant Road, approximately 700 feet west of the intersection of Grant Road and Tanque Verde Road. The preliminary development package proposes the redevelopment of the site and two adjoining parcels currently zoned C-1 for a mixed use retail development. The rezoning site and the adjoining parcels are being reviewed as one integrated development package and conditions of the rezoning apply to all three parcels.

To the north of the proposed rezoning site is the Pantano Wash, a jurisdictionally regulated water way. The abutting portion of the Pantano Wash is zoned RX-2. Beyond that portion, the wash is zoned Pima County Zone CR-1 (County Residential). To the east and adjacent to the rezoning site along Grant Road are commercial uses zoned C-1. To the south across Grant Road is a shopping center and related retail and restaurant uses zoned C-2, as well as smaller parcels zoned C-1 and used for office and retail.

Access to the rezoning/development site is from the existing access points on Grant Road. No new deceleration lane is required. Cross-access between the integrated site and the adjacent commercial parcel to the east, located at 6565 E. Grant Road, will be maintained with a cross-access easement or other agreement running with the land providing for permanent, two-way vehicular access at least 20 feet wide. The Pima Association of Governments, Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 645 vehicle trips per day.

The rezoning site is adjacent to the Pantano River Park, a major regional recreational amenity of interconnected shared-use paths throughout the community, also known as "The Loop." The site is scheduled to be redeveloped prior to the completion of the The Loop in this area. Development of the site shall anticipate connectivity with The Loop as practicable and will integrate two access points to the park, with the first being located towards the eastern boundary and the second towards the western boundary.

Pima County Natural Resources, Parks and Recreation Department has accepted a 50 foot dedication of a triangular shaped portion of the rezoning parcel. The recommended standard dedication of 100 feet was determined to be impractical because of the nature of the site. Pima County Flood Control and Tucson Planning and Development Services have additionally requested dedications and improvements including a maintenance and emergency access point and additional setbacks and landscaping. These and other dedication requirements will be reflected in the preliminary development package.

A memorial commemorating the death of a motorist was located on the center parcel of the integrated site. The applicant has coordinated with the family of the deceased to provide alternative ways to preserve the memorial upon redevelopment of the site. Additionally, during the March 6th hearing, an adjoining property owner discussed the location of dumpster on the project site. The applicant has agreed to ensure that no dumpster enclosure will be located less than 20 feet from the existing principal building located on the adjoining property at 6565 E. Grant Road

Proximity to the Pantano Wash requires that the proposed redevelopment comply with applicable stormwater requirements, erosion hazard setbacks, retention basin siting recommendations, and other requirements and recommendations. The site also contains important riparian areas as specified by the Pima County Conservation Land System. Sections of the riparian areas will be preserved and site grading shall be minimized. Landscaping on the site should be integrated with the proposed landscaping for the linear park.

Land use policy direction for this area is provided by *Plan Tucson.*

The *Plan Tucson* future growth scenario map supports a mixed-use center at this location. The *Plan* supports a mix of local services including retail, office, and public gathering locations with access to open space systems and trails for pedestrians, bicyclists, and equestrians within urbanized areas. The *Plan* also 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.

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.

RECOMMENDATION

The Zoning Examiner recommends approval of C-1 zoning.

Sincerely,

Linus Kafka
Zoning Examiner

ATTACHMENTS:
Case Location Map
Rezoning Case Map
cc: City of Tucson Mayor and Council

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated March 21, 2014 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. 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 with a site inspection.

LAND USE COMPATIBILITY

8. The development package will reflect two-way vehicular access at least 20 feet wide to the adjoining property at 6565 E. Grand Road.

Preliminary Conditions

9. Outdoor activities, such as restaurant patios, speakers and music which may generate noise impacts to area residents located north across the Pantano Wash, shall be located to minimize noise or buffered along the north perimeter.

10. The dumpster enclosures located within 20 feet of the future river park right-of-way shall be screened with masonry wall a minimum of six (6) feet in height and constructed of textured concrete block, painted with a contrasting color band matching that of the principal building. No dumpster enclosure will be located less than 20 feet from the existing principal building located on the adjoining property at 6565 E. Grant Road.

11. An integrated outdoor lighting plan, in compliance with the Outdoor Lighting Code (OLC), shall be included in the development plan package. The plan shall show even lighting distribution over the entire proposed site, and shall minimize spill-over light to the north.

12. The final development package submittal shall include building elevations submitted to PDSD Community Planning for review. The elevations shall address the building facade facing the Pantano Wash. The elevations shall display the use of varying materials along all four sides of the proposed building. This can be in the form of a decorative architectural band along the bottom of the building, a minimum of 3' in height, as measured from the finished floor of the proposed building.

13. The development package shall include integrated pedestrian path(s) connecting the Pantano Wash perimeter (future trail/bike paths), with the commercial on-site businesses designed to Pima County standards.

14. All required perimeter screen walls and dumpster enclosures visible from a public right-of-way and/or adjacent to existing 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, rustic metal, 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.

15. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

<u>DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION</u>

16. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:

    a. Each detention/retention basin shall include a sediment trap, or other sediment control measures, including rip rap rock at inlet locations, as approved by the City Engineer, to prevent sedimentation of the

detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.

b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat, unless the basin is operating as a landscape retention basin, in which case the basin outlet cannot exceed a maximum height of 6", as measured from the basin bottom.

c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

f. Drainage scuppers along the Pantano boundary of the site, shall be placed at locations agreed upon by PDSD and Pima County Flood Control and called out as a key note, associated with Project

g. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

17. Pima County Regional Flood Control District requires the flowing:

a. Prior to approval of the development plan, the owner shall dedicate to the Pima County Regional Flood Control District for bank protection and river park purposes the land as described on the Attachment A, the legal description dated December 19, 2013 and sealed by J.O. Teague and two temporary construction easements across parcel 133-16-020W and 133-16-020T (attached legal descriptions TCE-05 and TCE-01) at no cost to the District.

b. The applicant/ property owner shall coordinate with the District to provide a legal description for a permanent legal access across parcel 133-16-020T for the purpose of maintenance and operation of the river improvements including channel and park by the County or its assignees. Documentation that this easement has been recorded shall be submitted to PDSD landscape review prior to approval of the Development Package. The location and access point of the easement shall be reflected on the

Preliminary Conditions

Development Package prior to the final submittal and labeled as associated with Project 5PWFLT.

18. Riparian Mitigation shall be addressed on the portions of the development that are not impacted by the Pima County Regional Flood Control District (District) for bank protection and/ or river park improvements. Mature on-site trees, with a trunk diameter 4' above ground that is greater than 8" and in fair to good health, will be preserved in place; if this is not possible trees are to be assessed utilizing an acceptable valuation assessment methodology equivalent to standards of the International Society of Arborists. Funds will be set aside in an established Tree Bank, such as Trees for Tucson, to be used for revegetation/landscape enhancement and/or improvements of public street rights-of-way, riparian area or residential neighborhoods or parks/linear park within a radius of 2 miles.

19. Development/redevelopment of this site shall be subject to the Commercial Rainwater Harvesting Ordinance.

20. Owner/applicant is responsible for providing a special inspection and delivering results to PDSD Landscape review 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 95%, per manufacturers recommendation, so that pavement can be laid directly over the structured soil while allowing development of roots.

21. There shall be no greater than a 10 percent surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use. Additional spaces may be mitigated on a one to one bases with the planting of additional native canopy trees.

22. Owner/applicant is responsible for providing a special inspection and delivering results to PDSD building code review for the following condition. Provide materials with building permit application and reference rezoning case number C9-13-14. 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

23. A right of way permit or a Private Improvement Agreement (PIA) with the City of Tucson Department of Transportation will be required for any work completed in the right of way, including any possible utility updated.

C9-13-14 InSite - Grant Road
2010 Aerial

0 50 100 200
Feet
1 inch = 200 feet

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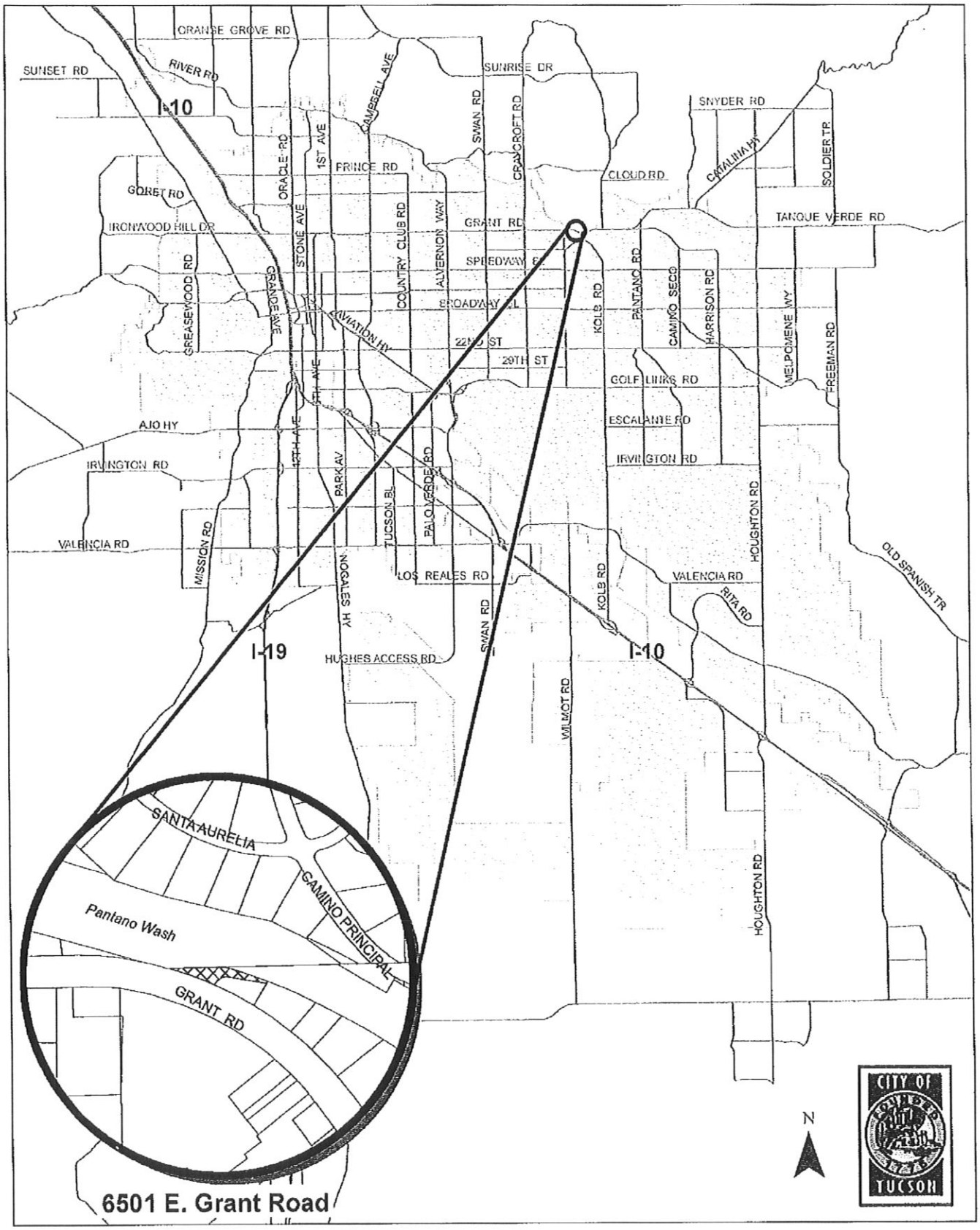
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