



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

Preliminary Report

March 13, 2014

Friends of the Library
c/o Kathryn Baron
2230 N. Country Club Road
Tucson, AZ 85716

Robert G. Longaker III, PLA
Senior Project Manager
The WLB Group, Inc.
4444 East Broadway Boulevard
Tucson, AZ 85711

**SUBJECT: C9-13-16 Friends of the Library – Bray Road, R-2 to C-1
Public Hearing: March 6, 2014**

Dear Mr. Longaker,

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 C9-13-16, Friends of the Library – Bray 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 is a request by Robert Longaker of the WLB Group, on behalf of the property owner, Friends of the Library, to rezone approximately 1.06 acres from R-2 to C-1 zoning. The rezoning site is located southeast of the intersection of Grant Road and Country Club Road, approximately 147 feet east of Country Club and Bray Road. The preliminary development proposes two 2500 square-foot, single story buildings, landscape and buffer areas, and vehicle parking. The proposal will bring the site into compliance with the Unified Development Code.

To the east of the rezoning site is an existing residential neighborhood zoned R-2 and R-3, generally single story homes and a two story multi-family complex, including a parcel that contains a communications tower. To the south is an R-2 residential zone with a single story multi-family complex. To the west are parcels zoned C-1 commercial uses fronting on Country Club Road. To the north, across Bray Road, are C-1 zoned commercial uses that front on Grant Road and Bray Road.

Primary access to the site is from Country Club Road with a secondary access from Bray Road. The Pima Association of Governments, Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 60 vehicle trips per day.

Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and *Plan Tucson*.

Plan Tucson guidelines encourage proposed commercial expansion and the consolidation of parcels for office and commercial use, subject to sensitivity and compatibility with surrounding land uses.

Grant-Alvernon Area Plan policy goals and guidelines are to preserve, protect and enhance the integrity of established neighborhoods; identify appropriate locations for residential, commercial and industrial development; and encourage provision of safe and efficient circulation systems for all modes of transportation. The conceptual land use map supports residentially-scaled office and residentially-scaled neighborhood commercial and high-density residential uses on the site.

General Land Use policies encourage the development of child-friendly uses to complement the scale, character and identity of the surrounding area. Policy supports non-residential development on the perimeter of residential areas to protect and enhance the quality of life for neighborhood residents. Such development should demonstrate sensitivity to surrounding uses through the use of design, location, orientation, landscaping and screening, and by restricting primary access for nonresidential uses to arterial streets or to collector streets.

Commercial development can be supported when primary access is provided to an arterial street. Consolidation of abutting residential parcels with nonresidential

uses can be considered when the residential parcel to be consolidated is bound on at least two sides by nonresidential zoning and at least 50% of the residential parcel will be used for parking, maneuvering and landscaping to include a minimum 10-foot wide buffer with a 6-foot high masonry wall and a mix of canopy trees. The Plan's General Design Guidelines are intended to ensure that development is designed in a manner that enhances the visual appearance of the neighborhood, and that such development is compatible with existing land uses.

A residence is located immediately adjacent to the driveway access to Bray Road. Additional buffer yard setbacks and shrubbery along the east and north parking areas is recommended to mitigate for noise and light intrusion. Although the Design Compatibility Report proposes a ten foot wide landscape border and native trees, the applicant is seeking relief from landscape border requirements. The Board of Adjustment must decide whether deletion of such requirements is warranted. Plan policy calls for a minimum ten foot wide landscape border with a variety of trees and shrubs and a five foot high masonry screen wall along the residential boundaries to provide privacy and mitigate noise impacts from commercial activities. All vegetation shall be low maintenance and drought tolerant and/or of similar form and scale to the types existing in the area. Plan policy encourages the use of walls to complement existing developments. To promote visual interest, staff recommends that all screen walls have a decorative design; that the surface texture and colors complement the buildings; and they be constructed of or painted with graffiti resistant materials. The applicant agreed at the March 6, 2014 hearing to work with the owner of the residential property along Bray Road to address privacy concerns.

CONCLUSION

The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Grant-Alvernon Area Plan*. 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 general compliance with the preliminary development package and required reports dated, December 31, 2013, covering the rezoning site together with parcel numbers 122-15-156D, 122-15-1550, 122-15-1510, and 122-15-152A 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. One year is 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. Provide documentation with the development plan package, of a recorded cross-access agreement with abutting commercial parcel (2206 N. Country Club Road), which fronts Country Club Road.

Preliminary Conditions

9. All ADA parking spaces and short term bicycle parking facilities shall be located along the northern boundary of the parcel south of Bray Road.
10. An integrated pedestrian circulation plan shall be included in the development plan package which includes access to the parcel north of Bray 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.
12. Hours of operation for deliveries/pick-ups, trash pick-up, and outdoor construction service uses limited 7:00 AM to 9:00 PM.
13. Building façade of any future building to match existing on-site building and be compatible with surrounding residential land uses, and integration of GAAP design guideline. Provide elevations for existing and proposed building(s), with dimensions and color palette, to PDS Community Planning for review.
14. 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, rustic metal, 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. The applicant shall provide privacy enhancements to existing screening walls along the boundary between the site and the residence on Bray Road, consistent with Condition 14 above.
16. Noise generating activities such as trash collection or loading zone shall be located a minimum of fifty (50) feet from a residentially zoned or used property. Trash and recycling shall be enclosed.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

17. The submittal of a drainage report that addresses onsite and offsite drainage and its impact on the proposed improvements, including Christmas Wash flood hazard area.
 - a. The drainage report shall also address the provision of runoff retention basins in accordance with the requirements and recommendations of the Stormwater Detention/Retention Manual.

Preliminary Conditions

- b. The entire Rezoning area is within the City of Tucson Flood Hazard Area. Development will require floodplain use permit(s) and may require elevation certificate(s).
 - c. If bleed pipes are used to drain the retention basin(s), the basin(s) floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - a. Retention basins shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
 - b. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - c. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - d. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
18. Owner/applicant is responsible for providing a special inspection and delivering results to PDS 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.
19. 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 can be mitigated by one additional tree per four spaces.
20. Owner/applicant is responsible for providing a special inspection and delivering results to PDS building codes 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 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

21. Dedication of additional right of way, along Country Club Road, in accordance with the MS&R Plan requirements.

Preliminary Conditions

22. Driveway (from Country Club) to parking lot to be improved to current standards including pedestrian access along the northern boundary of the rezoning parcel.
23. Provide on-site Signage near the northwest corner of the overall site to indicate Bray Road is "NOT A THROUGH STREET" as approved by TDOT.

s/rezoning/C9-13-16/C9-preliminary conditions.doc

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 _____ 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 _____.

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 _____.

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

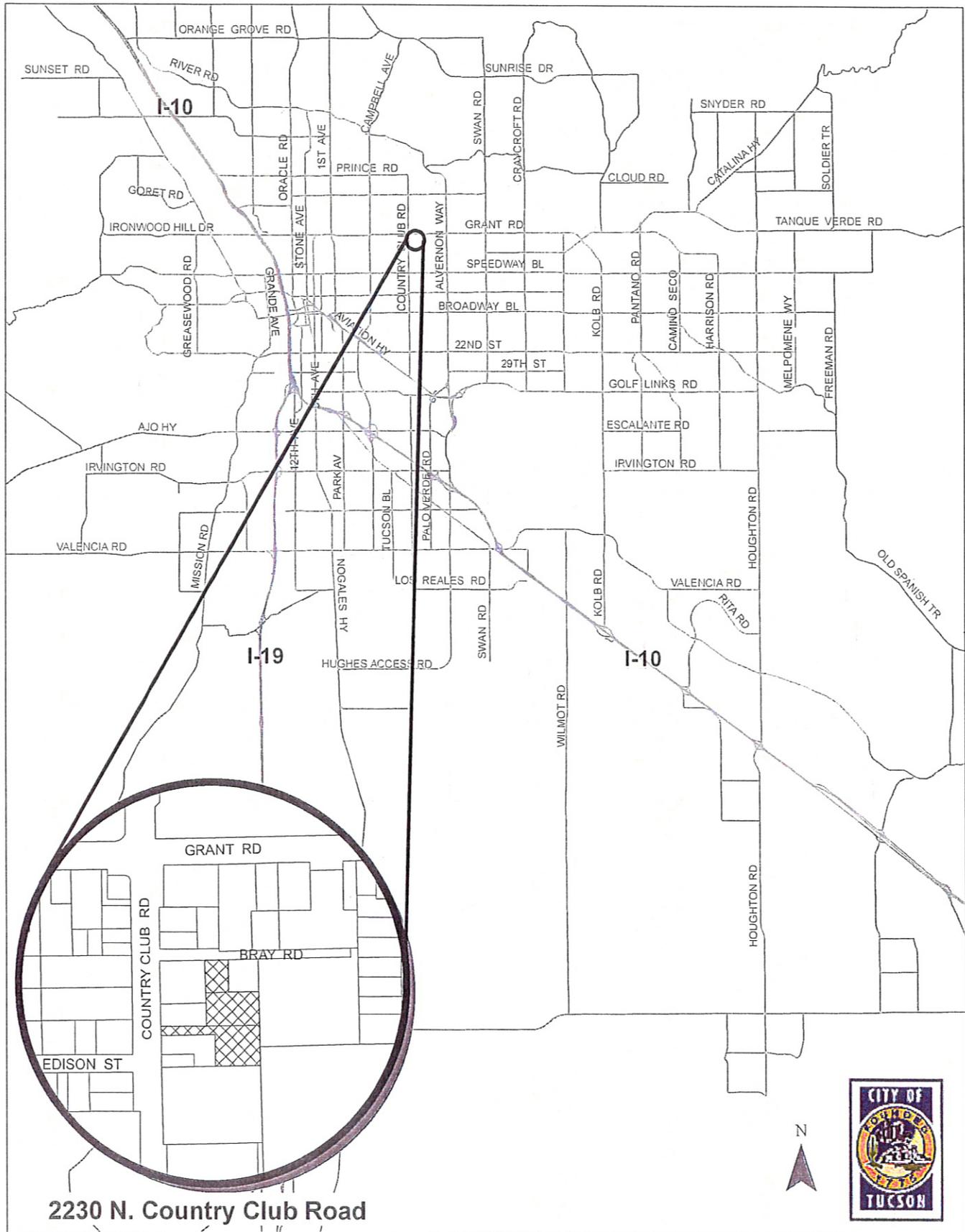
My Commission expires:

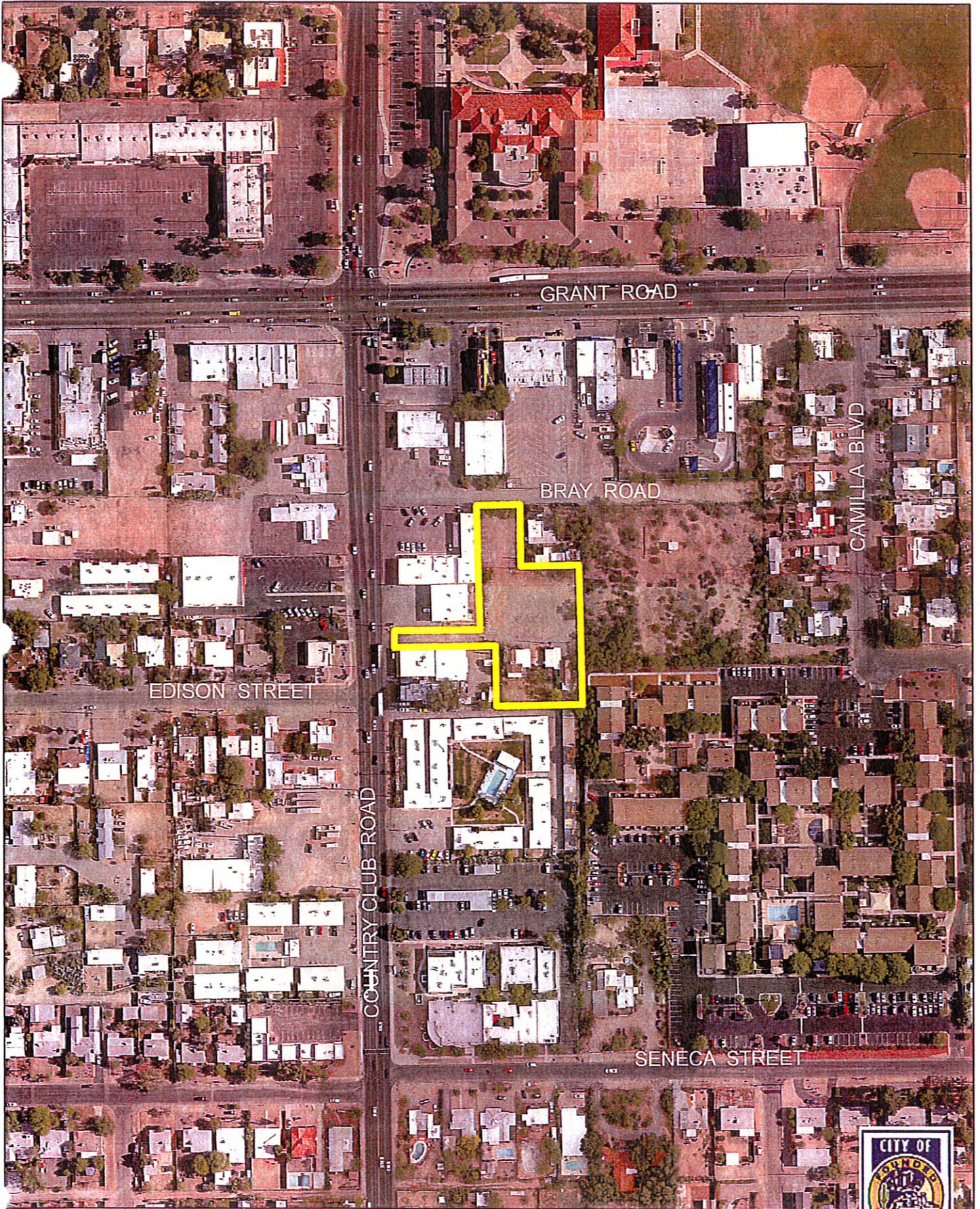
City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

C9-13-16 Friends of the Library - Country Club Road





C9-13-16 Friends of the Library - Country Club Road
2010 Aerial

0 50 100 200 Feet
1 inch = 200 feet

