



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

C9-18-11 Rojo - El Burrito Avenue
C-2 to I-1 Zoning
July 6, 2018

BACKGROUND

This is a request by Frank Rendon of 3D Architectural Designs, on behalf of the property owners, Alberto and Elva Rojo, to rezone approximately 0.60 acre from C-2 to I-1 zoning. The rezoning site is comprised of two parcels and is located on the east side of El Burrito Avenue south of Miracle Mile. The preliminary development plan (PDP) proposes a wrought iron manufacturing use. A new 400 square foot storage building is proposed adjacent to an existing workshop/storage building on the northern parcel, and approximately 2,200 feet of new covered storage area is proposed on the southern parcel adjacent to two existing workshop/storage buildings. Two small existing storage structures will be demolished on the northern parcel. The applicant is requesting a rezoning to allow the site to be brought into *Unified Development Code* compliance.

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

PUBLIC HEARING SUMMARY (Minutes Attached)

At the June 21, 2018, Zoning Examiner's Public Hearing, staff reported no written approvals and no written protests. Only the applicant appeared at the hearing; no representatives of the neighborhood or any other speakers were present.

The applicant indicated that the description by Staff at the hearing satisfactorily stated his case and accepted the conditions. He submitted his 207 Waiver at the hearing.

The applicant stated no objection to the Planning and Development Services' rezoning conditions.

FINDINGS OF FACT

Existing Land Use and General Location

The rezoning site is occupied by wrought iron manufacturing and storage and is zoned Commercial (C-2). This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

C9-18-11 El Burrito Avenue

Rezoning: C-2 to I-1

Surrounding Zones and Land Uses:

North:	Zoned C-2; Commercial auto repair use
South:	Zoned I-1; Various commercial, industrial manufacturing and warehouse uses
East:	Zoned MH-1; Mobile home park
West:	Zoned C-2; Various commercial uses

Proposed: I-1 – This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Land Use Plans

The rezoning site is located within an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets. The proposed rezoning request from C-2 to I-1 is supported by *PT*.

The site is within an industrial business area, with surrounding development consisting of a mix of industrial and commercial land uses. The 0.60-acre rezoning site is located on the east side of El Burrito Avenue approximately 400 feet south of Miracle Mile and approximately 2/3 of a mile east of the Interstate 10/Miracle Mile interchange. On the *Major Streets and Routes Plan* map, Miracle Mile is identified as an arterial street with a 150-foot cross section. Direct vehicular access to the rezoning site is proposed at two ingress/egress points from El Burrito Avenue, a local street providing access to industrial uses to the south. Field inspection by staff indicates there are no billboards on the rezoning site.

To the north of the rezoning site is a commercial auto repair facility, zoned C-2. To the west across El Burrito Avenue are various commercial uses zoned C-2. To the south is a mix of commercial and industrial uses in I-1 zoning. To the east across a 10-foot wide public right-of-way is a mobile home park, zoned MH-1, with the nearest mobile home unit being approximately 40 feet from the eastern boundary of the rezoning site.

C9-18-11 El Burrito Avenue

Rezoning: C-2 to I-1

Site Plan Considerations

Land Use Compatibility – Because of the site’s visibility from the residential mobile home park to the east, dumpsters and outdoor storage should be screened from view with a masonry screen wall. Outdoor storage should not extend above the height of the screen wall.

Drainage/Grading/Vegetation – Retention of 100 percent of the 5-year storm is required in water harvesting basins with any development of the site. Hardscape surfaces should be drained to water harvesting areas before overtopping to the right-of-way or adjacent private property.

Road Improvements/Vehicular Access/Circulation – The PDP depicts four parking spaces for the northern parcel and five parking spaces for the southern parcel. Per the *Unified Development Code*, one vehicle parking space is required for each 1,000 square feet of building area and materials storage area. The PDP demonstrates that parking requirements will be met but not exceeded. The Tucson Department of Transportation (TDOT) requires the addition of a 5-foot wide sidewalk along the property street frontage in El Burrito Avenue. The access drives are required to conform with ANSI accessibility requirements.

CONCLUSION

The proposed rezoning is consistent with *Plan Tucson*, which supports industrial development at this location.

ZONING EXAMINER’S RECOMMENDED CONDITIONS

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated April 26, 2018, and required reports, are 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.

C9-18-11 El Burrito Avenue

Rezoning: C-2 to I-1

5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
8. Outdoor storage shall not extend above the masonry screen wall located adjacent to residentially zoned property to the east.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

9. A 5-foot wide sidewalk shall be constructed along the El Burrito Avenue frontage.

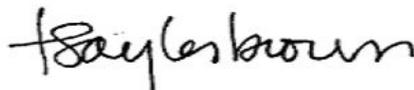
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

10. Total retention of the 5-year/1-hour storm is required in water harvesting basins.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning to the I-1 zone subject to the Zoning Examiner's recommended conditions.

Respectfully Submitted,



Thomas Sayler-Brown, AIA, NCARB
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner
Michael Wyneken, Planning & Development Services
Cindy Leyba, City Recording Clerk

=====

1 ZONING EXAMINER: So, I think we're gonna proceed. The
2 next case that I have here is - oh, let me make sure I'm in the right
3 order here. Yes. C9-18-11 Rojo-El Burrito Avenue. Okay. So, Mr.
4 Wyneken's gotta catch up with me here and -

5 MR. RENDON: That's when I'll sign in and get ready. You
6 tell me when.

7 ZONING EXAMINER: Perfect.

8 MR. WYNEKEN: This is Case: C9-18-11 Rojo-El Burrito
9 Avenue, rezoning request from C-2 to I-1. It's a request by Frank
10 Rendon of 3D Architectural Designs on behalf of the property owners,
11 Alberto and Elva Rojo to rezone approximately .6 acres from C-2 to I-1
12 zoning. The rezoning site is comprised of two parcels and is located
13 on the east side of El Burrito Avenue approximately 400 feet south of
14 Miracle Mile.

15 Preliminary Development Plan proposes a wrought iron
16 manufacturing use. A new 400-square-foot storage building is proposed
17 adjacent to an existing workshop storage building on the northern
18 parcel and approximately 2200 feet of new covered storage area is
19 proposed on the southern parcel adjacent to two existing workshop
20 storage buildings there. There are two existing storage structures on
21 the northern parcel that will also be demolished.

1 Land use policy directions provided by Plan Tucson which
2 designates this area as an existing neighborhood, existing
3 neighborhoods primarily developed and largely built out where minimum
4 new development or redevelopment is expected. The goal is to protect
5 and maintain the character of the neighborhood.

6 To the north of the rezoning site is a commercial auto
7 repair facility zoned C-2. To the west across El Burrito Avenue are
8 various commercial uses zoned C-2. To the south is a mix of
9 commercial and industrial uses in I-1 zoning.

10 To the east across a ten-foot wide public right-of-way is a
11 mobile home park zoned MH-1, the nearest mobile home being
12 approximately 40 feet from the eastern boundary of the rezoning site.

13 Because of the proximity to that mobile home to the east,
14 dumpsters and outdoor storage should be screened from view with a
15 masonry screen wall. And outdoor storage should not exceed the height
16 of the screen wall.

17 Retention of 100% of a five-year storm is required and
18 water harvesting basins. The PDP demonstrates that parking
19 requirements will be met. Tucson Department of Transportation
20 requires the addition of a five-foot sidewalk along the, the frontage
21 on El Burrito, and access drives are required to conform to ADA
22 requirements.

23 The proposed rezoning is consistent with Plan Tucson which
24 supports industrial development at this location. Subject to
25 compliance with Preliminary Conditions, approval of the requested

1 I-1 zoning is appropriate. To date, we have zero approvals and zero
2 protests on file. A simple majority vote is required to adopt an
3 ordinance.

4 ZONING EXAMINER: Thank you very much. And I didn't get
5 your yellow card, so, could you state your name?

6 MR. RENDON: Yes. Frank Rendon, 7660 East Lakeside Drive
7 in Tucson, Arizona.

8 ZONING EXAMINER: Can you spell your last name for me?

9 MR. RENDON: R-E-N-D-O-N.

10 ZONING EXAMINER: Rendon. Okay.

11 MR. RENDON: Yes, sir.

12 ZONING EXAMINER: Thank you.

13 MR. RENDON: Ready?

14 ZONING EXAMINER: Yes.

15 MR. RENDON: Okay. Basically, what we've got here is the
16 C-2. And for UDC, you can do craftwork, but small craftwork. So,
17 he's got an ornamental shop, welding, cutting and storing metal to do
18 so. But because he's gonna be doing wrought iron gates for clients
19 and a little bigger items than what you would call craft, we gotta go
20 to the I-1, industrial, which allows him to do.

21 Other than that, it's all gonna be the same. The owner is
22 fine with meeting all the conditions that Zoning asked us to do. And
23 as a fact, I've got all the paperwork here. And all you need from me
24 because we haven't got it to you, is the waiver and understanding that
25 we agree with that.

1 ZONING EXAMINER: Okay.

2 MR. RENDON: Other than that, I'm here just in case
3 somebody has any other questions 'cause it's that simple. All we're
4 trying to do is make the use (inaudible)

5 ZONING EXAMINER: Well, I have no other -

6 MR. RENDON: This is - I'll be right with you. This is
7 what was printed out. It's a separate (inaudible) and it was, that
8 was the last sheet. And I have one more item. In here, it has the
9 engineer (inaudible) All of them go with that. All of them go with
10 this (inaudible)

11 ZONING EXAMINER: So, I have no more questions for you.

12 MR. RENDON: Okay.

13 ZONING EXAMINER: Your presentation was very clear and your
14 documents that you've submitted were very helpful.

15 MR. RENDON: Thank you very much.

16 ZONING EXAMINER: Well, thank you. And we'll be - I'll be
17 sending out my preliminary report next week.

18 MR. RENDON: Awesome. Thank you very much. You have a
19 great -

20 ZONING EXAMINER: Well, let - well, let me ask you.

21 MR. RENDON: Yes.

22 ZONING EXAMINER: Have you seen the conditions?

23 MR. RENDON: I have. I read, I read them and I have them
24 here.

25 ZONING EXAMINER: And you accept the conditions?

1 MR. RENDON: We're good with all of them.

2 ZONING EXAMINER: Perfect.

3 MR. RENDON: Buffer walls, screen walls. We've got it
4 already on the PDP.

5 ZONING EXAMINER: Okay. Very good.

6 MR. RENDON: All right?

7 ZONING EXAMINER: Thank you, sir.

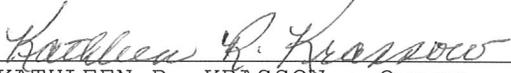
8 MR. RENDON: Thank so. (inaudible)

9 ZONING EXAMINER: So, I'm gonna close that hearing and
10 we're gonna move on to our next one.

11 (Case: C9-18-11 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 07/01/18


KATHLEEN R. KRASSOW - Owner
M&M Typing Service