



**CITY OF
TUCSON**

ZONING
EXAMINER'S
OFFICE

Preliminary Report

June 23, 2016

Landmark Title Tr 18301-T
Attn: Wilcox Center LLC, Nel Kleinman
6009 N. Placita Pajaro
Tucson, AZ 85740

Dan White
Physical Resource Engineering
PO Box 36985
Tucson, AZ 85740

Nathan Cottrell Robert Longaker
CEG Applied Sciences
12409 W. Indian School Road C303
Avondale, AZ 85392

**SUBJECT: C9-16-06 Tractor Supply Co. – Valencia Road
C-1 and I-1 to C-2
Public Hearing: June 16, 2016**

Dear Mr. White,

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 **C9-16-06 Tractor Supply Co. – Valencia 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 (PDSD) (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.

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SUMMARY OF FINDINGS

This is a request by Dan White of Physical Resource Engineering, on behalf of the property owner, Landmark Title Trust 18301-T to rezone approximately 5.3 acres from C-1 and I-1 to C-2 zoning. The rezoning site is located on the east side of Valley Indian Agency Road, approximately 400 feet south of Valencia Road.

The preliminary development plan proposes a new commercial retail store with outdoor display of farm equipment, vehicles, and other merchandise with associated parking in Phase 1 of the project and with future retail uses, also with outdoor display and parking in a proposed Phase 2.

The rezoning site consists of four commercial lots within the Midvale Park Shopping Center Phase II (S01-015). This subdivision will be reconfigured with a lot combination of two lots and a Common Area "A". Lot 1 will include a 21,300 square foot retail building at an approximate 26-foot building height for the Tractor Supply Co. with the main entrance at 32 feet, a 1,950 square-foot detached storage building at a height of about 22 feet, and an approximate 9,285 square-foot outdoor, product, display area. There is also a 15,052 square-foot area for animal feed and supplies and a parking lot. Lot 2, which is 117,157 square feet, is proposed for future development of retail uses and outdoor display, and a parking lot.

The property's zoning is split with the major portion zoned C-1 and a smaller southernmost portion in the I-1 zone. A rezoning to the C-2 zone is required for outdoor retail activities such as display of products for sale.

At the June 16, 2016 Zoning Examiner's public hearing staff reported that there is one letter of approval. The applicant noted the building heights will comply with the C-2 but may be slightly taller at the main entrance than noted in the presented rezoning conditions and also desired clarification of transportation conditions.

Planning and Development Services staff has since discussed with the applicant and Transportation staff the noted conditions on the building heights and adjusted their recommendations to reflect the heights noted above and also made adjustments to the transportation conditions as noted below.

Surrounding Land Uses – The subject property is surrounded to the north by C-1 zoned financial uses and restaurants, to the south by I-1 zoned industrial and commercial warehouse uses, to the east by C-1 zoned commercial retail shopping center, and to the west by C-2 vacant land under review for large scale retail use.

Land Use Plans - Land use policy direction for this area is provided by the *Santa Cruz Area Plan* and *Plan Tucson*.

Santa Cruz Area Plan (SCAP): *SCAP* identifies the rezoning site within Key Parcel 4 which supports commercial uses at the southeast corner of Valencia Road and Valley Indian Agency Road intersection. *SCAP* policies state that existing neighborhoods should include related commercial services with specific locations decided on a case by case basis according to overall plan policies and depending on specific market conditions.

Plan Tucson: The proposed site is within an area identified as “Existing Neighborhood” Building Block of the Future Growth Scenario Map. This Building Block contains 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. *Plan Tucson* 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.

Transportation - According to the Major Streets and Routes Plan (MS&R) map, Valencia Road is a designated Gateway Arterial Street. Valley Indian Agency Road is a local street. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 635 vehicle trips per day, with an evening peak of fifty vehicle trips. There are currently no billboards on the rezoning site.

Being a Gateway Arterial, Valencia Road as well as the local street, Valley Indian Agency Connect Road will have landscaping bufferyards. Future signs along Valencia Road must comply with Gateway standards. At the hearing, the Zoning Examiner requested staff to further discuss with the applicant and the Department of Transportation (TDOT) the need for sidewalks along Valley Indian Agency Road. With the agreement of TDOT, sidewalks will not be required to be adjacent to this local street and the updated rezoning conditions reflect this change.

Site Plan – The Design Compatibility Report (DCR) indicates the proposal can be compatible with the applicable land use plans. Further, the proposed architectural design and mass and scale will be a similar scale and height to the current land uses. The architectural style is in a southwestern style with earth-toned color and accents.

Hours of operation will be from 8:00 a.m. to 8:00 p.m. and outdoor lighting will be LED fully shielded, directing light away from streets and toward the project as it relates to wall mounted, security, and parking lot lights.

The rezoning site is located within an original commercial subdivision block plat, which includes use of a private easement road. The rezoning site will have parcels and cross access easements may be required from Valencia Road to the shopping

center located to the east, when a lot combo or re-platting of the existing subdivision commercial block plat occurs.

The DCR also includes water harvesting within landscape areas and the retention-detention basin in Common Area "A" with native drought tolerant trees and ground cover plantings. The preliminary development plan shows areas remaining undeveloped. The rezoning conditions to control dust recommend these areas be covered with decomposed granite of complimentary color until such time as they are developed.

The rezoning conditions also require certain Phase 2 improvements to be constructed during Phase 1 development. These features include dumpster locations sidewalks, and parking area access lanes.

The rezoning conditions also address urban heat island impacts through increased landscaping and requiring adherence to green building principles adopted in 2008 in the City's Framework for Advancing Sustainability.

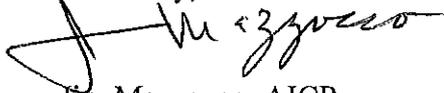
CONCLUSION

The proposed development is consistent with and supported by the policy direction provided in *Plan Tucson* and the *Santa Cruz Area Plan*. The scale and height of the proposed retail area is similar to surrounding land uses. Mitigation of development impacts and site design features for the proposed land use is adequately addressed in the rezoning conditions.

RECOMMENDATION

The Zoning Examiner recommends approval to rezone the subject property to the C-2 zone, subject to the updated, recommended, Planning and Development Services Department's rezoning conditions.

Sincerely,



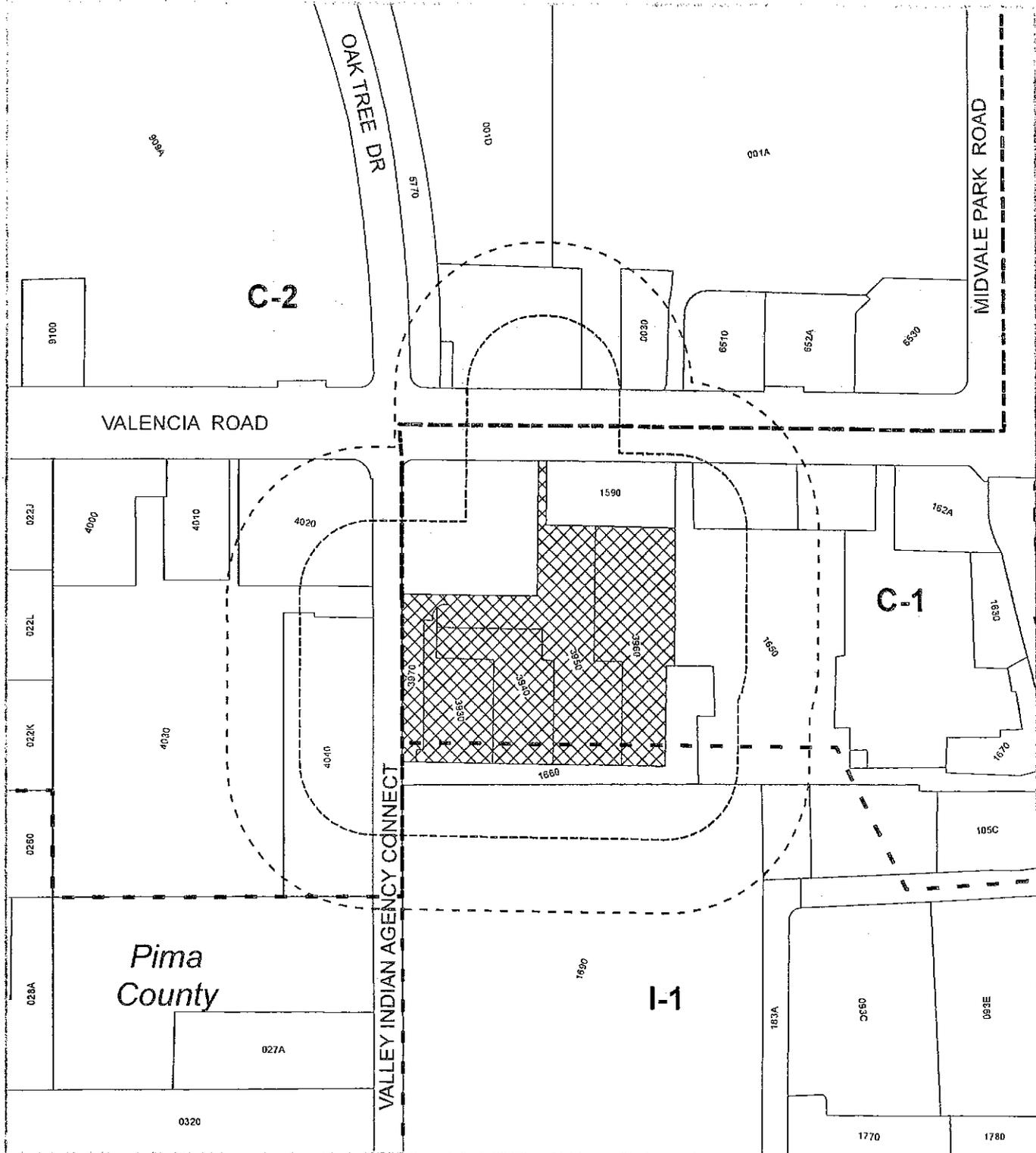
Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

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

C9-16-06 Tractor Supply Company - Valencia Road

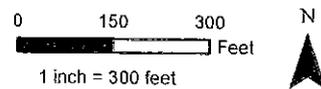
Rezoning Request: from C-1, I-1 to C-2



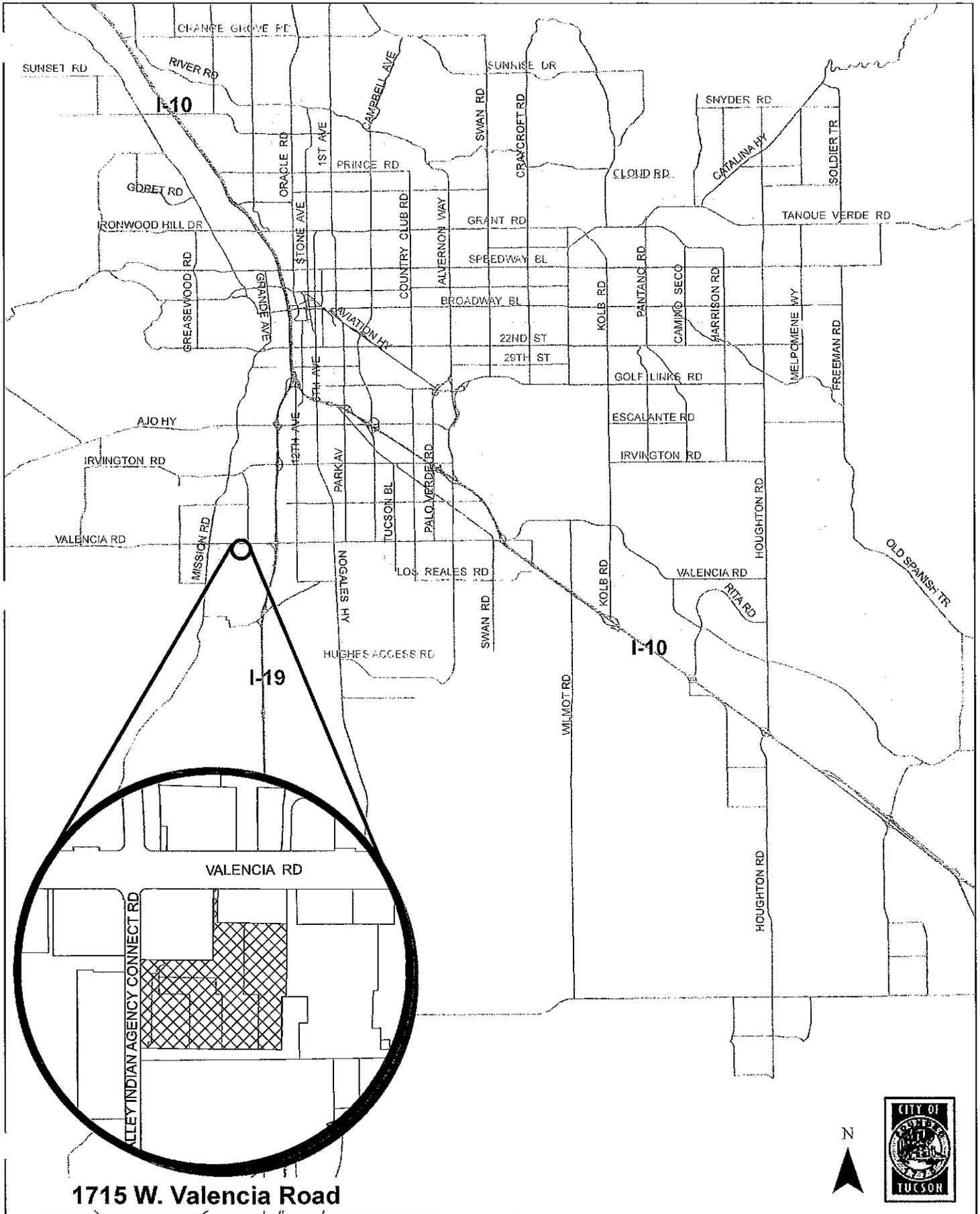
-  Area of Rezoning Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



Address: 1715 W. Valencia Road
Base Maps: Sec.15 T.15 R.13
Ward: 1



C9-16-06 Tractor Supply Company - Valencia Road



Preliminary Conditions **UPDATED 6-22-2016**

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package dated April 4, 2016, 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 (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 development package shall include scaled color building elevations for all sides of each building and for masonry perimeter walls. Building design shall include architectural features and design elements at the same level of detail on all elevations (side and rear elevations will be commensurate with front elevation). Wall design shall complement building design. The elevation shall be approved by Community Planning.
7. Development package shall provide the boundary of all areas in Lot 1, Lot 2, and Common Area "A," which are part of Phase I development.
8. A lot combination or replatting of the existing subdivision is required.

DESIGN COMPATIBILITY

9. The development package shall include scaled color building elevations for all sides of each building. Building design shall include architectural features and design elements at the same level of detail for all elevations (side and rear elevations will

Preliminary Conditions **UPDATED 6-22-2016**

be commensurate with front elevation), including but not limited to, comparable color palette, rooflines, and materials. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings, in color, shall be submitted as part of the development package submittal.

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 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.
11. Graffiti shall be removed within seventy-two (72) hours of discovery.
12. Exterior mechanical equipment shall be screened from view from the surrounding roadways and properties.
13. As part of Phase I development, the thirty (30) foot wide PAAL located in proposed Lot 2 shall be completed and include a five foot wide sidewalk connecting proposed TSC building with existing shopping center commercial building (Pay Day Loan/Sally Beauty Supply) located to the east.
14. Tractor Supply Company main building height shall not exceed twenty-six (26) feet in height, with the exception of the main entrance architectural feature not to exceed thirty-two (32) feet in height, and detached storage barn not to exceed twenty-two (22) feet in height.
15. Any above ground storage tank (propane, diesel, etc), shall be screened by a masonry wall to conceal the tank(s) from public right-of-way, as may be approved by Fire Code.
16. Hours of operations shall be limited to between 8:00 a.m. and 8:00 p.m., including outdoor display and sales areas.

DRAINAGE/GRADING/VEGETATION

17. Preparation of a complete Drainage Report is required. The drainage report shall demonstrate that no additional storm water volume is being discharged from the site under developed conditions, as compared to existing conditions, under the normal regulatory storm (100-year threshold retention).
18. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide materials with building permit application and reference rezoning case number C9-16-06. New and replacement roofing material shall be Energy Star rated, or cool roof rated with

Preliminary Conditions **UPDATED 6-22-2016**

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.

19. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required.
20. Native trees located on-site and shown on the NPPO to be protected in place shall be protected by temporary fencing during off-site and on-site construction.
21. As part of Phase I requirements, all areas identified as Phase II (includes most of Lot 2) shall be improved in the interim with dust control ground cover such as decomposed granite (dg) or other comparable material of earth tone color.

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 C9-16-06 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for 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 Special Exception Land Use in Case C9-16-06.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use 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 Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use 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 Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, 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 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 C9-16-06.

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.