

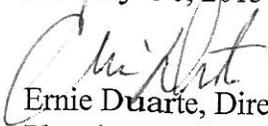


# MEMORANDUM

---

DATE: May 15, 2013  
For May 30, 2013 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM:   
Ernie Duarte, Director  
Planning & Development  
Services Department

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT  
SERVICES REPORT  
SE-13-29, Sentinel Peak- Grant Road, C-1 (Ward 6)

**Issue** – This is a request by Matt Gordon, on behalf of the property owner Monterey Water Company, to allow a restaurant with a micro-brewery as an accessory use, within a shopping center, zoned C-1. The special exception site is located approximately 400 feet south of Grant Road and 400 feet east of Swan Road (see Case Location Map). The preliminary development plan proposes the remodel of single story, existing 2190 square foot vacant tenant space in an existing shopping center. The plan will incorporate a 200 square foot microbrewery. Brewed beverages will only be sold on-site, for on and off site consumption. No exterior changes are proposed to the building.

Per the *Unified Development Code (UDC)*, a microbrewery is classified as perishable goods manufacturing, a secondary use to food service in the C-1 zone. The use falls under UDC Table 4.8-4: Permitted Uses - Commercial and Mixed Use Zones and is permitted under Zoning Examiner Special Exception Procedure, section 3.4.3.

**Planning and Development Services Recommendation** – The Planning & Development Services Department recommends approval of the requested special exception use zoning, subject to the attached preliminary conditions.

## **Background Information**

**Existing Land Use:** Existing vacant restaurant/bar space.

## **Surrounding Zones and Land Uses:**

North: Zoned C-2; Commercial retail  
South: Zoned R-1; Single-family residential  
East: Zoned R-1; Single-family residential  
West: Zoned O-3; Office uses

Previous Cases on the Property: none

### **Related Cases:**

SE-10-116 Suntreader – Speedway Blvd., C-1 Zone – This case was a request to allow a microbrewery as a special land use in the C-1 zone. The special exception site is located at the southeast corner of Speedway Boulevard and Warren Avenue. The preliminary development plan proposed the creation of a brewing station within an existing restaurant kitchen. Brewed beverages will only be sold on-site, for on-site consumption. No exterior changes are proposed to the building or the 0.13 acre site. The Zoning Examiner approved the request on November 29, 2010. The certificate of occupancy was signed by the Building Official on July 23, 2010.

SE-02-09 Famous Sam’s – Silverbell Road, C-1 Zone – This was a request for approval to allow a microbrewery within an existing restaurant. The special exception site is located on the east side of Silverbell Road, south of Grant Road. The preliminary development plan proposed a microbrewery within an existing 5,200 square foot restaurant. The Zoning Examiner approved the request on June 27, 2002.

**Applicant’s Request** –The applicant proposes the addition of a 200 square foot microbrewery brewing station within an existing restaurant 2,190 square foot vacant tenant space. The brewed beverages are sold on premises for on-site and off-site consumption. No exterior changes are proposed to the building or site.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Acadia-Alamo Area Plan (AAAP)* and the *General Plan (GP)*.

*Acadia-Alamo Area Plan (AAAP)* allows for new nonresidential providing that primary access be provided from an arterial street and that parking and maneuvering requirements can be met on-site. Screening and buffering for adjacent residential uses should also be provided on-site.

The *General Plan* protects established residential neighborhoods by supporting compatible development and supports nonresidential uses where the scale and intensity of use will be compatible with adjacent uses. The *GP* also supports the appropriate location for commercial and office uses, to promote use and improvement of existing infrastructure and meet residents’ needs for goods and services in a cost-effective and equitable manner. The *GP* also promotes neighborhood identity and visual character and supports development projects that reflects sensitivity to site and neighborhood conditions.

Both Grant and Swan Road are identified as arterial streets on the *Major Streets and Routes Plan* map. The Grant Road: Oracle Road to Swan Road, Regional Transportation Authority (RTA) project is in the planning and design phase with an ultimate right of way (R/W) cross section of 150 feet. The intersection of Grant Road at Swan is designated as Specific Engineering Plan (SP) with an ultimate R/W of 180 feet.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates

that the proposed restaurant with microbrewery will generate 99 vehicle trip per day.

### **Design Considerations**

**Land Use Compatibility:** The proposed restaurant with a microbrewery is to be located within an existing 2,190 square foot vacant tenant space, in an existing shopping center. The applicant does not propose outdoor sitting areas, or modifying the exterior, existing outdoor lighting, or access. The nearest residential property is located approximately 165 feet to the south. Given that no new exterior space is proposed and the restaurant activity will take place in an enclosed building, this request meets the *General Plan* direction. The shopping center area is designated for commercial use on the *AAAP*. Primary access for the shopping center is provided from arterial streets, parking and maneuvering for the new use can be met on-site and required screening and buffering was provided in the original planning for the shopping center, thus meeting *AAAP* criteria for new commercial activity.

### **Road Improvements/Vehicular Access/Circulation**

No road improvements are required or necessary for this project. Vehicular access to the restaurant will be from Grant Road or Swan Road with some vehicles accessing the site from Mountain View Avenue, to the east of the shopping center.

### **Use-specific Standards**

The standards for Perishable Goods Manufacturing as a Secondary Use to a Food Service Use (restaurant) use are as follows:

- The Secondary Land Use is limited to the manufacturing of beer, “microbrewery”.

*The perishable goods manufacturing secondary use will be limited to a microbrewery.*

- The area devoted to the Secondary Land Use does not exceed twenty-five (25) percent of the gross floor area or 1,000 square feet, whichever is less.

*The microbrewery will not exceed 25 percent of the gross floor area or 1,000 square feet, which ever is less. The area designated for the microbrewery will be placed within the existing commercial kitchen in an area which measures 7 feet wide by 2 feet deep and 5 feet tall. The small-scale brewing setup will be capable of brewing 20 gallons at a time (equivalent to 1 U.S. keg).*

- The products manufactured on the site are sold at retail on the premises.

*The beer produced will be sold to retail customers on the site.*

Staff finds the proposal to be in compliance with the use specific standards.

**Conclusion** – The proposed special exception land use is consistent with the policy direction in the *Acadia-Alamo Area Plan (AAAP)*, the *General Plan*, and the *UDC*. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

Preliminary Conditions

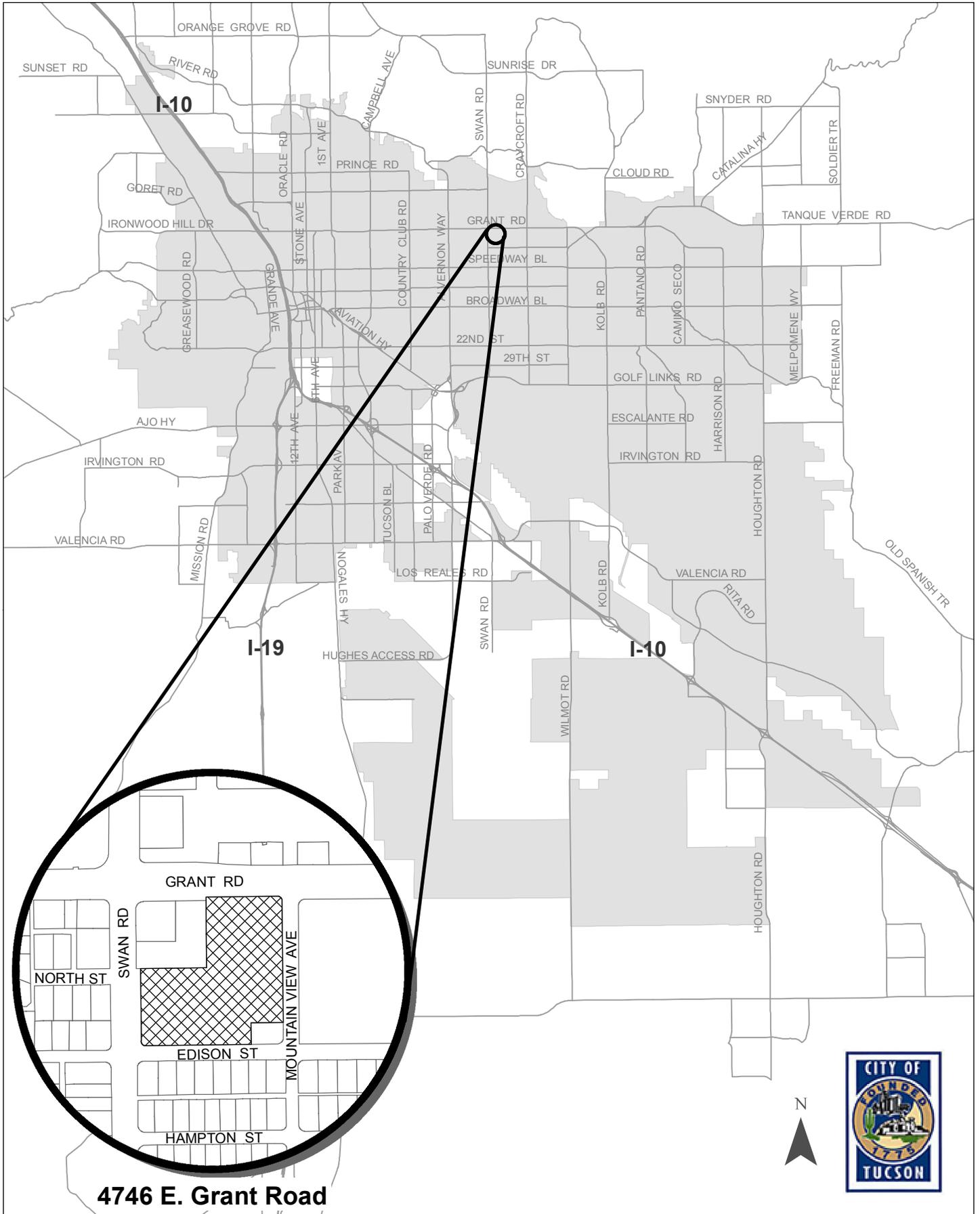
PROCEDURAL

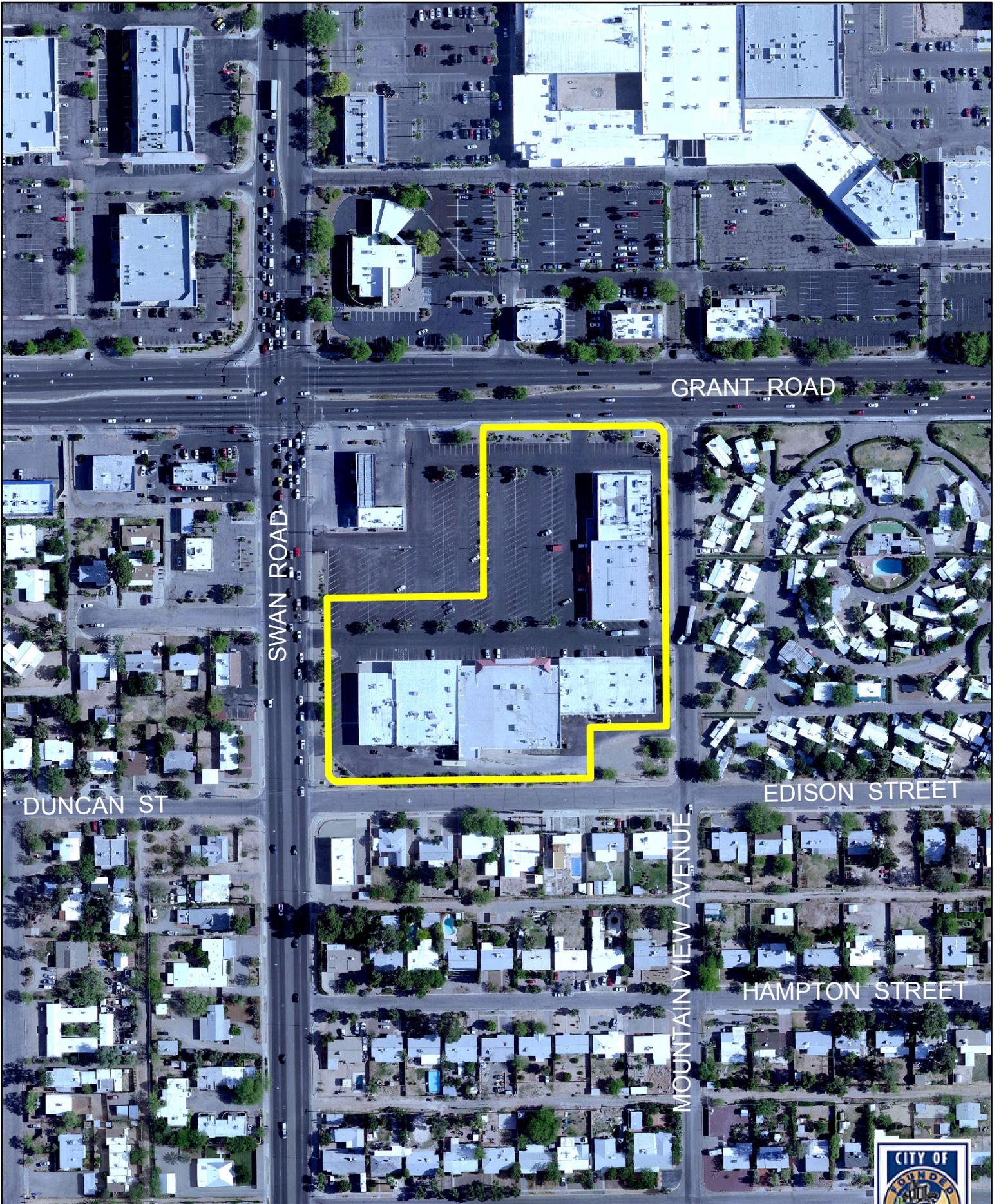
1. A development package in substantial compliance with the revised preliminary development package dated March 14, 2013, required reports, and reflecting rezoning conditions; is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute 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”. Completed Waiver must be filed with Planning & Development Services before the case will be scheduled for mayor and Council action.
3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
4. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
5. Three years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATIBILITY

6. Any changes inside the structure will need to comply with the 2012 Edition of the International Fire Code.
7. Outdoor lighting, other than security lighting, shall be shielded so as to not produce any light overspill onto the residential neighborhoods to the east and south of the site.

# SE-13-29 Sentinel Peak - Grant Road





GRANT ROAD

SWAN ROAD

DUNCAN ST

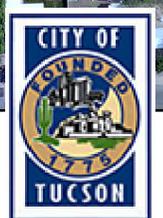
EDISON STREET

MOUNTAIN VIEW AVENUE

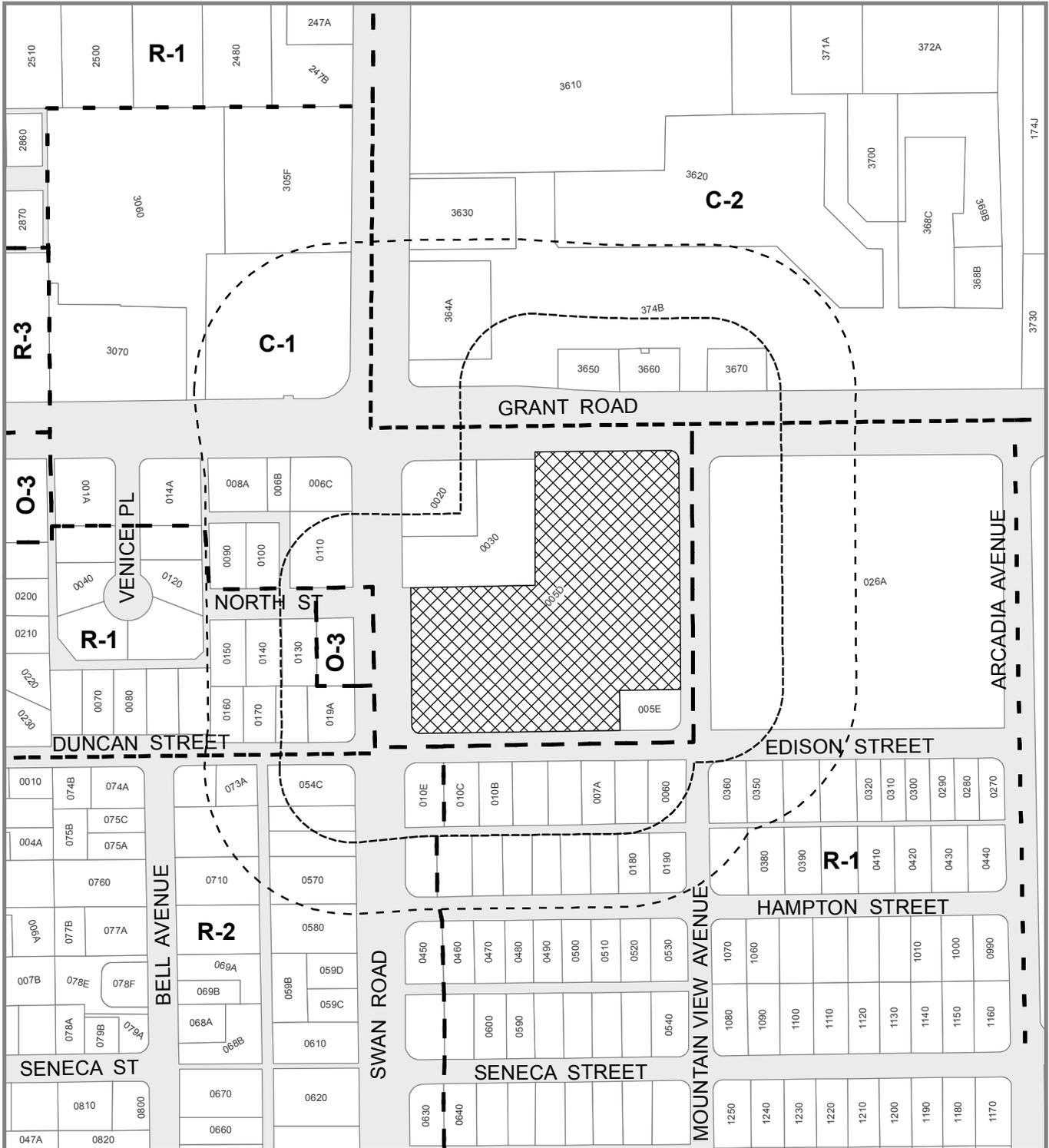
HAMPTON STREET

SE-13-29 Sentinel Peak - Grant Road  
2010 Aerial

0 50 100 200 Feet  
1 inch = 200 feet



# SE-13-29 Sentinel Peak - Grant Road Z.E. Special Exception

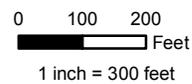


- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area

Address: 4746 E. Grant Road  
Base Maps: Sec.02 T.14 R.14  
Ward: 6



created by: JR, 3/22/2013



**PUBLIC FACILITIES AND SERVICES REPORT FOR May 30, 2013**  
(as of May 15, 2013)

**SE-13-29 Sentinel Peak- Grant Road, C-1, Ward 6**

**CITY AGENCIES**

**Planning & Development Services – Engineering:** See attached comments dated 04/04/2013.  
**Planning & Development Services – Community Design:** See attached comments dated 04/01/2013.  
**Planning & Development Services – Zoning Review:** See attached comments dated 04/01/2013.  
**Tucson Fire Department** – See attached comments dated 04/09/2013.

**No Objections Noted**

**Environmental Services**  
**Community Services – Historic Preservation Officer**  
**Office of Conservation & Sustainable Development**  
**Planning & Development Services – Landscape**  
**Planning & Development Services – Sign Code**  
**Planning & Development Services – Zoning Enforcement**  
**Tucson Parks and Recreation**  
**Transportation – Traffic Engineering**  
**Tucson Police Department**  
**Tucson Water Department**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 99 vehicle trips per day.

**No Objections Noted**

**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Pima County Wastewater**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**  
**Tucson Unified School District**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, *May 15, 2013* on the following link  
[http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)

**For additional information regarding staff and agency input follow the following link:**  
<http://www.tucsonaz.gov/PRO/pro/devactionsrch.jsp>

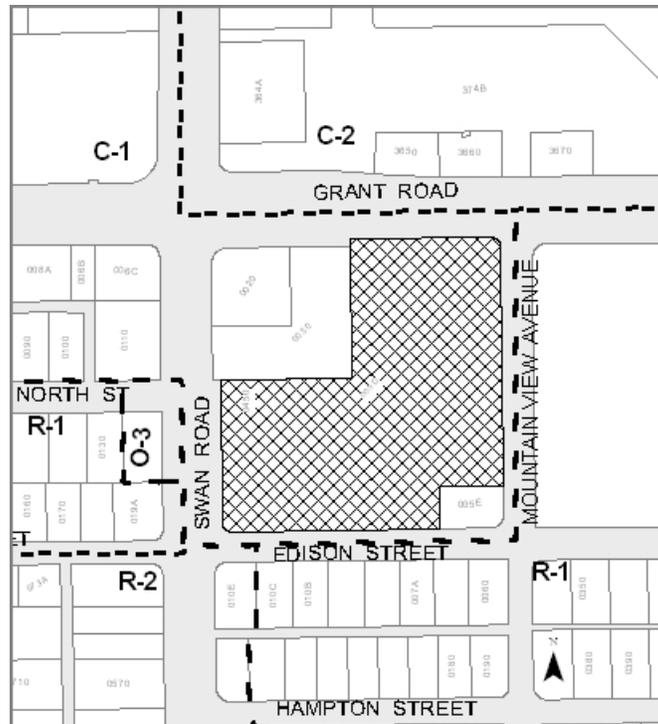


Stamp  
Here

City of Tucson  
Planning & Development Services Department  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

SE-13-29

Expose this flap - Affix stamp and return



City of Tucson **CL**  
Planning & Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

SE-13-29

IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED