



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

Preliminary Report

November 14, 2013

Watershed Management Group, Inc.
1137 East Dodge Blvd.
Tucson, AZ 85716

David Shambach, Architect, Inc.
261 North Court Street
Tucson, AZ 85701

**SUBJECT: SE-13-92 Watershed Management Group – Dodge Boulevard
Public Hearing: November 7, 2013**

Dear Mr. Shambach,

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 SE-13-92. 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 David Shambach, on behalf of the property owner, Watershed Management Group, Inc. to allow a privately owned cultural use on approximately 0.47 Acres as a Special Exception Land Use. The site is located on the west side of Dodge Boulevard, approximately 300 feet north of Speedway Boulevard. The applicant proposes converting two existing single-story residential buildings to 1,470 square feet of office space and 1,580 square feet of educational space. A new single-story 650 square foot addition for storage on the west side of the proposed educational center building will replace an existing carport. The project will include a learning center, demonstration gardens, and areas for conducting seminars and workshops on water harvesting and other sustainable resource programs.

Article 4, Table 4.8-2 of the *Unified Development Code (UDC)* specifies that a privately owned and operated cultural use in an R-2 zone requires a Mayor and Council Special Exception Procedure.

To the north and west of the Special Exception site are multi-family residential units, zoned R-2. To the south and southwest of the site, and fronting on Speedway Boulevard, are commercial uses including an auto repair shop and a family-style restaurant, zoned C-2. Across Dodge Boulevard, to the east, is an apartment complex, zoned C-2.

Vehicular access to the site is from Dodge Boulevard, a local street with a right-of-way of 60 feet. The Pima Association of Governments – Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 32 vehicle trips per day. On-site parking will be accessed through a commercially zoned and developed parcel south of the site. This will require a recorded cross-access easement.

The *Grant-Alvernon Area Plan* and the *General Plan* provide land use policy direction for this area. The general goals of the *GAAP* include preservation, protection and enhancement of established neighborhoods, identification of appropriate locations for residential, commercial, and industrial development, and support of commercial revitalization that promotes neighborhood stability. Policies support development on the perimeter of residential areas which serve to protect and enhance the quality of life for neighborhood residents, and demonstrate sensitivity to surrounding uses through the use of design, location, orientation, landscaping, screening, and buffering.

The *General Plan* recommends protection of established residential neighborhoods by supporting compatible development, which may include other residential uses, mixed-use infill, and appropriate nonresidential uses. The *Design Guidelines Manual* recommends that development adjacent to lower

intensity uses have similar spatial, mass, scale and height elements that will blend with surrounding residential and nonresidential uses.

The proposed cultural use is allowed by the *GAAP* and the *General Plan* as a Special Exception in the R-2 zone, based on appropriate mitigation features that can be incorporated into the redevelopment of the site to minimize the impacts of use intensification and stabilize the neighborhood edge.

The applicant will minimize the impact to the adjacent residents by retaining the residential character, size, and scale for the site, and by providing screening and landscaping along the northern and western frontages. Existing buildings will remain residential in architectural design to stabilize the residential edge. Proposals for future structures will match the existing buildings in height, finish surface, material, and color. Site design will be compatible with residential uses. Hours of regular operation will be from 8:00 a.m. to 5:00 p.m., but special events may take place beyond those hours. All operations will be limited to between the hours of 7:00 a.m. and 9:00 p.m.

Use Specific Standards for a privately-owned and operated cultural use within Residential R-2 zoning are found in Article 4, Table 4.8-2 and §§4.9.3.C.2 – 4.9.3.C.8 of the *Unified Development Code*, as follows:

4.9.3.C Cultural Use

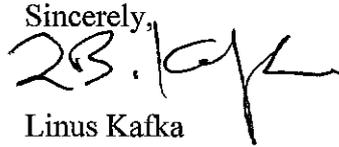
- 2.** The use shall provide a visual buffer where the site is adjacent to a residential use or zone. This can be accomplished by providing, for example, a landscape buffer, setbacks of buildings or uses, or masonry screen walls.
- 3.** Storage of fertilizer, manure, or other odorous material located in an enclosed building shall be setback a minimum of 20 feet, or if located outdoors, setback a minimum of 40 feet from any property line that is adjacent to a residential use or zone.
- 4.** Public access to the site shall be from a Major Streets and Routes (MS&R) street or from a local street that is not an internal residential neighborhood street.
- 5.** The impacts of noise on adjacent residential uses shall be mitigated to comply with the noise standards in Section 16-31, *Excessive Noise*, of the Tucson Code.
- 6.** Hours of operation for the cultural use, as well as any accessory use, should be detailed in the application and should be limited, in order to assure compatibility with adjacent residential uses.
- 7.** Outdoor lighting shall be limited in height and shielded from adjacent residential uses.
- 8.** Trip generation and traffic impacts on the surrounding streets shall be analyzed, and mitigation measures shall be provided.

CONCLUSION

The applicant's request complies with the policies of the *General Plan* and the *Grant Alvernon Area Plan*. Approval of the Special Exception request is appropriate, subject to compliance with staff conditions.

RECOMMENDATION

The Zoning Examiner recommends approval of the Special Exception request.

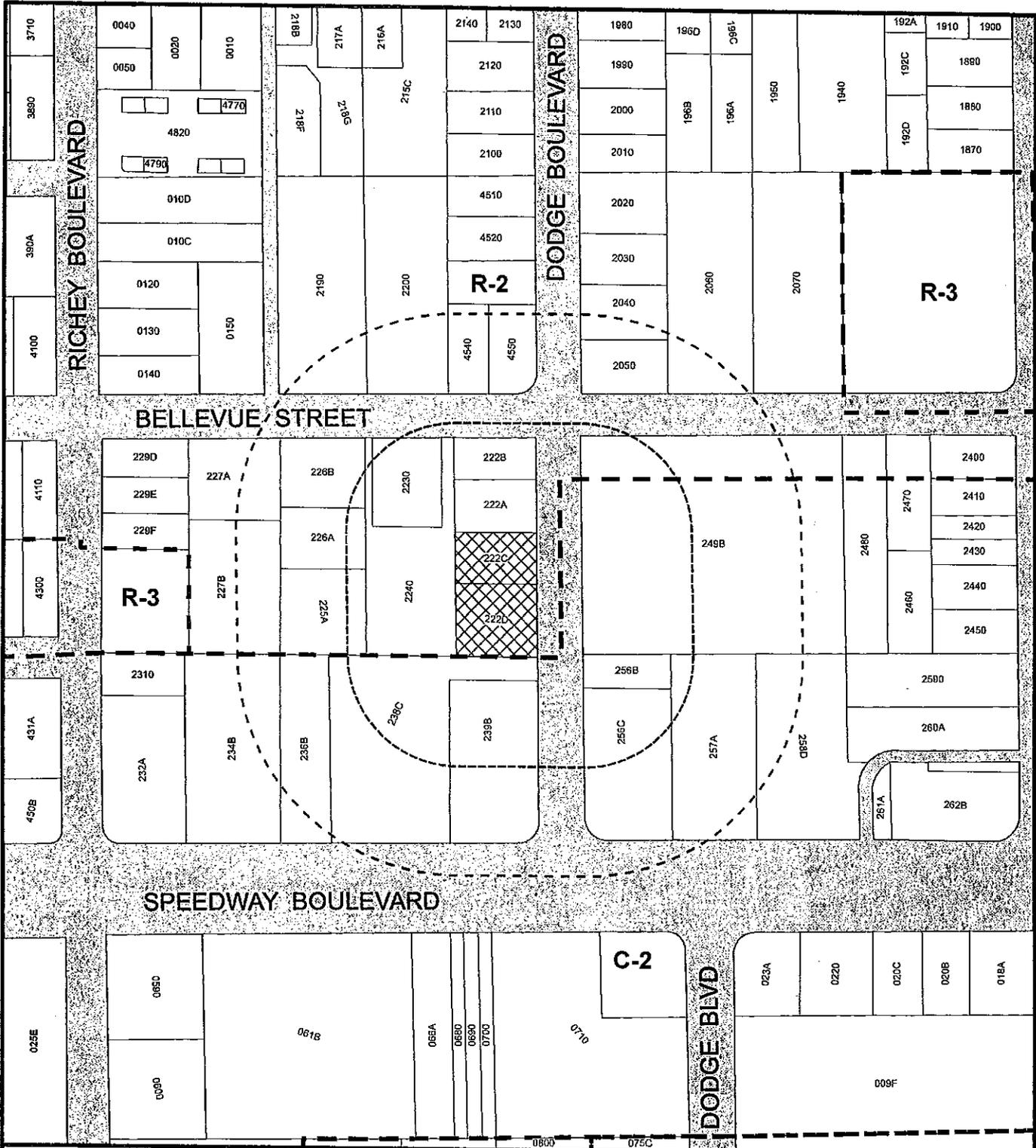
Sincerely,

Linus Kafka
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map

cc: City of Tucson Mayor and Council

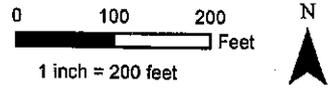
SE-13-92 Watershed Management Group - Dodge Boulevard M. & C. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- R-2** Zoning of Requested Area

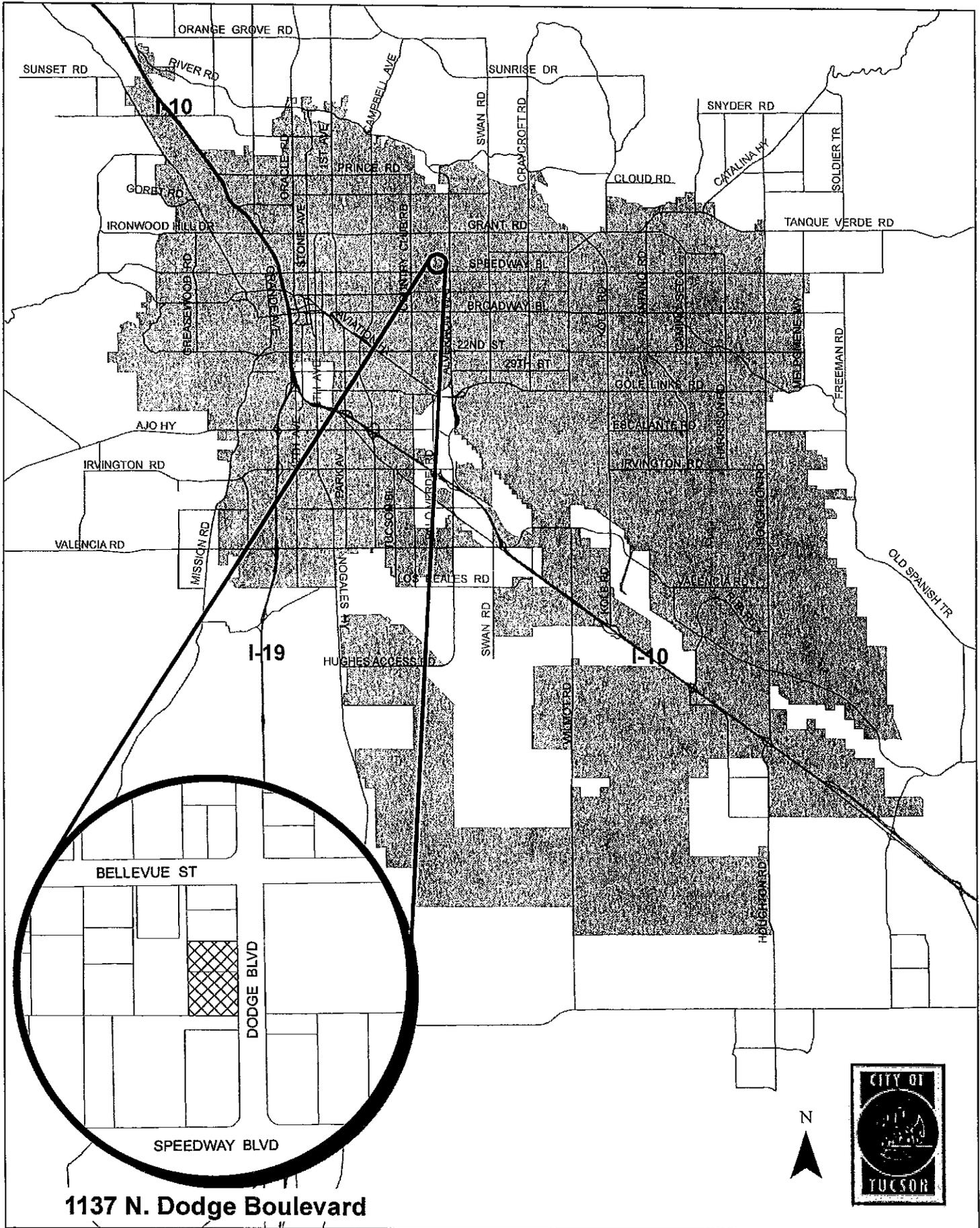


Address: 1137 N. Dodge Boulevard
Base Maps: Sec.4 T.14 R.14
Ward: 6



created by: JR, 8/12/2013

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