



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

November 22, 2013

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

BACKGROUND

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 *Grant-Alvernon Area Plan* and the *General Plan* provide land use policy direction for this area.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. At the November 7, 2013 hearing, Mr. Moyer also commented that three written approvals and two written protests were received.

Daniel Shambach, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning. Others who testified included Lisa Shipek, the Executive Director of Watershed Management, landscape architect James DeRoussel, and Ronni Kotwica, President of the Palo Verde Neighborhood Association.

With no one else wishing to be heard, the public hearing was closed.

FINDINGS OF FACT

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.

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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:

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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.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report

SE-13-92 Watershed Management Group – Dodge Boulevard, R-2 Zone

Preliminary Conditions (Revised)

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated August 8, 2013, is to be submitted and approved in accordance with, Section 2-06 of the Administrative Manual, Supplement to the Unified Development Code (UDC).
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".
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. Any private improvement agreements shall be coordinated with City of Tucson TDOT Permits and Codes Division.
5. Prior to development package approval, the two existing parcels shall be combined into a single parcel.
6. Five (5) years are allowed from the date of approval to implement all Code requirements and conditions of the special exception land use.

LAND USE COMPATABILITY

7. Any mechanical equipment shall be screened from view from the surrounding streets and properties.
8. To improve privacy and screening for the residential properties to the west and north, the existing six-foot tall open fence along the west perimeter lot line will be augmented with decorative steel panels or similar opaque materials that complement the design theme of the site.
9. Outdoor security lighting shall be mounted at a height no greater than height of existing buildings.
10. Trash refuse containers shall be located a minimum of fifty (50) feet away from adjacent residential parcels. Trash bin(s) shall be within an enclosure.
11. Any graffiti shall be removed within five working days of discovery.
12. Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

13. Provide a recorded cross-access agreement with the Development Package to allow vehicular access from the adjacent parcel to the south as shown on the Preliminary Development Plan, dated August 8, 2013.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

14. A drainage statement shall be submitted addressing onsite and offsite drainage and its impact on the proposed improvements.
15. One drought tolerant native canopy tree shall be planted for every twenty-five linear feet within the north and west perimeter ten (10) foot wide landscape border. Landscape trees and plantings shall be on a permanent irrigation system as back up to water harvesting.
16. If new or replacement roofing is proposed, roofing material shall be Energy Star rated, or cool roof rated with 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.