



# MEMORANDUM

DATE: October 17, 2013  
For November 7, 2013 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Ernie Duarte, Director  
Planning & Development  
Services Director

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT  
SERVICES REPORT  
SE-13-92 Watershed Management Group – Dodge Boulevard, R-2 Zoning (Ward 6)

Issue – 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 (see Case Location Map). The applicant proposes to convert two existing single-story residential buildings to 1,470 square feet of office space and 1,580 square feet for an education center. A new single-story 650-square foot addition for storage will be constructed on the west side of the proposed educational center building, where a carport currently exists. The project will include a cultural program with a learning center, demonstration gardens, and areas for conducting seminars and workshops on water harvesting and other sustainable resource programs.

The proposed cultural use in the R-2 zone falls under the *Unified Development Code (UDC)* Article 4, Table 4.8-2, which specifies that a privately owned and operated cultural use requires a Mayor and Council Special Exception Procedure. The use-specific standards are detailed in *UDC* Sec. 4.9.3.C.2 through 4.9.3.C.8, and outlined on pages 4 and 5 of this report.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of the request, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Single-family residential and duplexes

### Surrounding Zones and Land Uses:

- North: Zoned R-2; Residential duplexes
- South: Zoned C-2; Commercial restaurant and auto-repair
- East: Zoned C-2; Multi-family residential/apartments
- West: Zoned R-2; Multi-family residential/duplexes

Previous Cases on the Property: None

Related Cases:

C9-06-20 Arnell – Fort Lowell Road, SR to R-2 (Ward 2) This was a request for a rezoning and Special Exception Land Use to allow a 15,000 square foot cultural use (a non-profit miniatures museum) on approximately four acres located on the north side of Camp Lowell Road, approximately 600 feet west of Swan Road. On February 26, 2008 Mayor and Council adopted Ordinance No. 10502.

SE-04-14 Botanical Gardens – Alvernon Way, R-1/R-2 This was a request for a Special Exception Land Use to allow the expansion of an existing cultural use (Tucson Botanical Gardens) on 5.72 acres located on the east side of Alvernon Way approximately 600 feet south of Grant Road. On December 6, 2004, Mayor and Council adopted Ordinance No. 10091, approving the expansion of the cultural use.

**Applicant's Request** – The applicant proposes to convert existing residential units into a privately owned cultural use with an office, education center and storage space totaling approximately 2,700 square feet of building area on 0.47 acres.

**Planning Considerations**

The *Grant-Alvernon Area Plan (GAAP)* 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.

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

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. Field inspection by staff indicates there are no billboards on the site.

### **Design Considerations**

Land Use Compatibility – The applicant agrees to 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 perimeters of the site. Existing buildings should remain residential in architectural design to stabilize the residential edge. Any proposed additions should match existing architectural style of existing buildings in height, finish surface material and color. The site design should be compatible with adjacent residential uses and should be limited to single story structures of compatible height with adjacent residential development located to the north and west. The applicant states that regular hours of operation will be from 8:00 a.m. to 5:00 p.m. but that on rare occasions evening activities may occur after these hours. Staff recommends that all operation, including special events, be limited to between the hours of 7 a.m. and 9 p.m.

Creative building design, structure citing and landscaping should be used to accomplish any noise abatement treatments. All trash receptacles should be screened from view and located a minimum of 50 feet from any residentially zoned or used property. The locations of these activities should be clearly shown on the development plan.

Although the site fronts on Dodge Boulevard, on-site parking will access through an adjacent commercially zoned and developed parcel located immediately to the south of the subject site, which then provides access onto Dodge Boulevard. This will require a cross-access easement with the property located to the south. The cross-access easement/agreement should be recorded and the recordation sequence number added as a general note to the development package.

On-site pedestrian pathways should be all weather ADA accessible and connect to all the proposed on-site amenities. The preliminary development plan does not indicate a curb or sidewalk on the Dodge Boulevard frontage and Tucson Department of Transportation staff states that new curbing and sidewalk along the Dodge Boulevard right-of-way will not be required.

In an effort to facilitate the development package review process and approval, as it relates to site improvements and building setbacks, the two existing parcels should be combined into a single parcel. The preliminary development plan indicates nine vehicular parking spaces and thirty-six bicycle parking spaces are proposed to encourage a reduction of vehicular trips among its employees and participants.

Landscaping and Screening – Staff supports the special exception request, based on the Design Compatibility Report, which addresses design guideline issues. These include screening and buffering the adjacent residential edge located north and west of the site with wall and landscape to reduce the impact of outdoor activities that will occur as part of the culture use center. The preliminary development plan shows an existing six-foot tall fence along the west perimeter lot line. Staff supports a more substantial perimeter treatment with a six-foot tall masonry wall and landscaping that will create a dense screen along the adjacent residential neighborhood. The perimeter landscape borders adjacent to north and west lot lines should contain canopy trees spaced approximately every 25 feet. A 10-foot wide landscape border is required along the Dodge Boulevard frontage of the site, with canopy trees, shrubs and ground cover. The existing mesquite tree located along the east perimeter, between the proposed office building and the street frontage along Dodge Boulevard should be preserved in place.

### Use Specific Standards

Below are Use Specific Standards for a “Privately-owned and operated Cultural Use” within Residential R-2 Zoning, per *UDC* Article 4, Table 4.8-2 and *UDC* Section 4.9.3.C.2 through 4.9.3.C.8, and subject to approval through a Mayor and Council Special Exception Procedure.

#### 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.

*Staff comment: The applicant has submitted a development package including site plan and landscape plan showing landscape borders, setbacks, and 6-foot high screening are provided where the site is adjacent to residential uses and zones, and along the Dodge Boulevard frontage.*

3. Storage of fertilizer, manure, or other odorous materials 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.

*Staff comment: There are no plans to store odorous materials on the site.*

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.

*Staff comment: Access is from Dodge Boulevard, which is not an internal residential 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.

Staff comment: *The proposed cultural use is not expected to generate excessive noise.*

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.

Staff comment: *The applicant states that the hours of operation will be from 8:00 a.m. and 5:00 p.m., with intermittent activities during evenings and on occasional Saturdays between 8:00 a.m. and 12:00 noon.*

7. Outdoor lighting shall be limited in height and shielded from adjacent residential uses.

Staff comment: *The applicant states all lighting will be low level and shielded.*

8. Trip generation and traffic impacts on the surrounding streets shall be analyzed, and mitigation measures shall be provided.

Staff comment: *A Traffic Statement submitted as part of the Design Compatibility Report, indicates that Watershed Management Group has a policy of encouraging alternative modes of transportation, such as bicycle, bus, and carpooling. According to the applicant, trip generation for this use is expected to be as low as 4 to 5 vehicle trips per day.*

**Conclusion** – The applicant’s request is in general compliance with the *Grant-Alvernon Area Plan* and the *General Plan*. Approval of the requested Special Exception request is appropriate, subject to compliance with the preliminary conditions.

### 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. The existing perimeter fencing shall be replaced with a six foot high masonry perimeter wall along the full length of abutting residential uses utilizing a combination of decorative materials (such as tile, stone, or brick) or coarse textured covering materials (such as stucco or plaster) painted with a color that is similar to the redeveloped structures on 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.

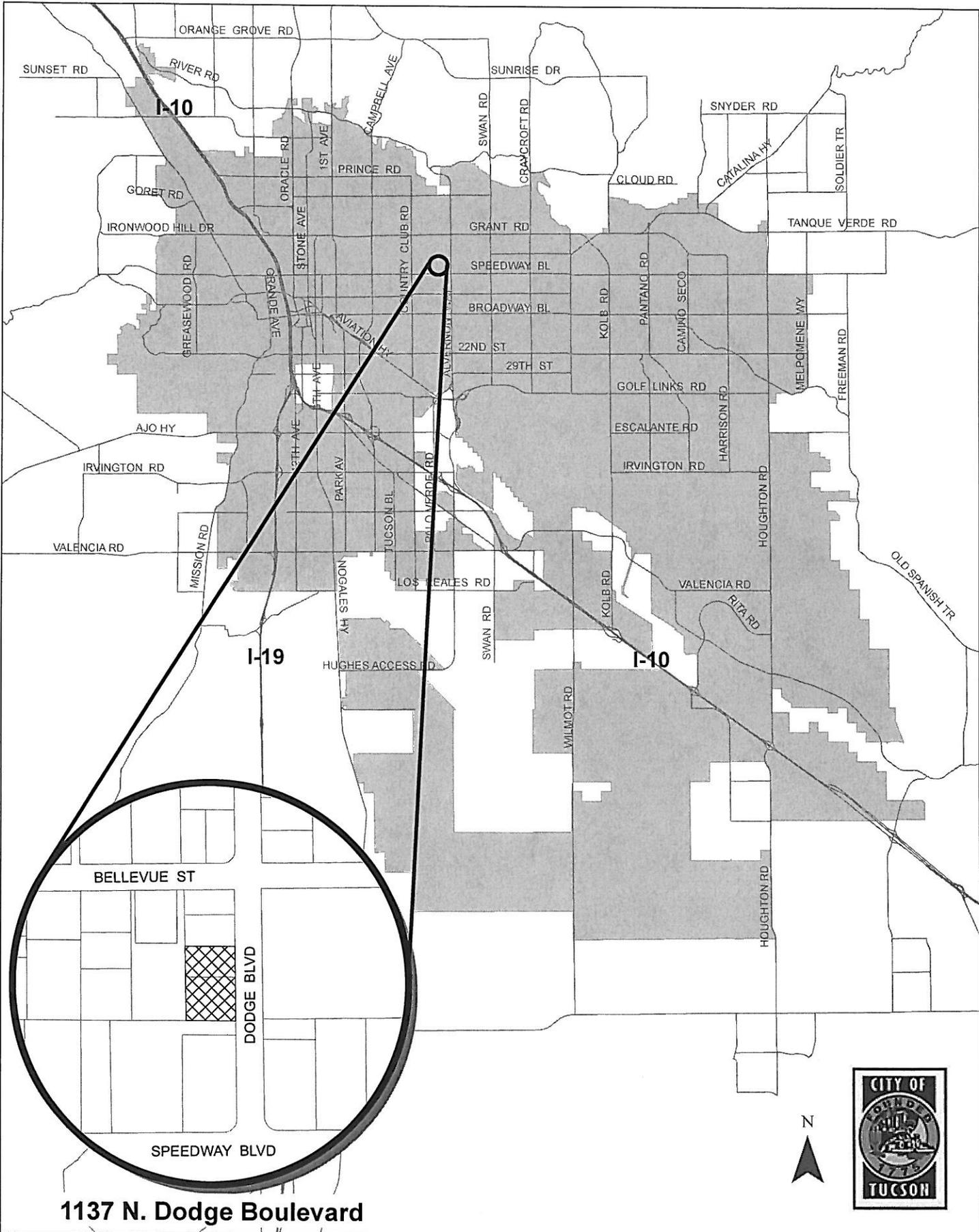
ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

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.

# SE-13-92 Watershed Management Group - Dodge Boulevard



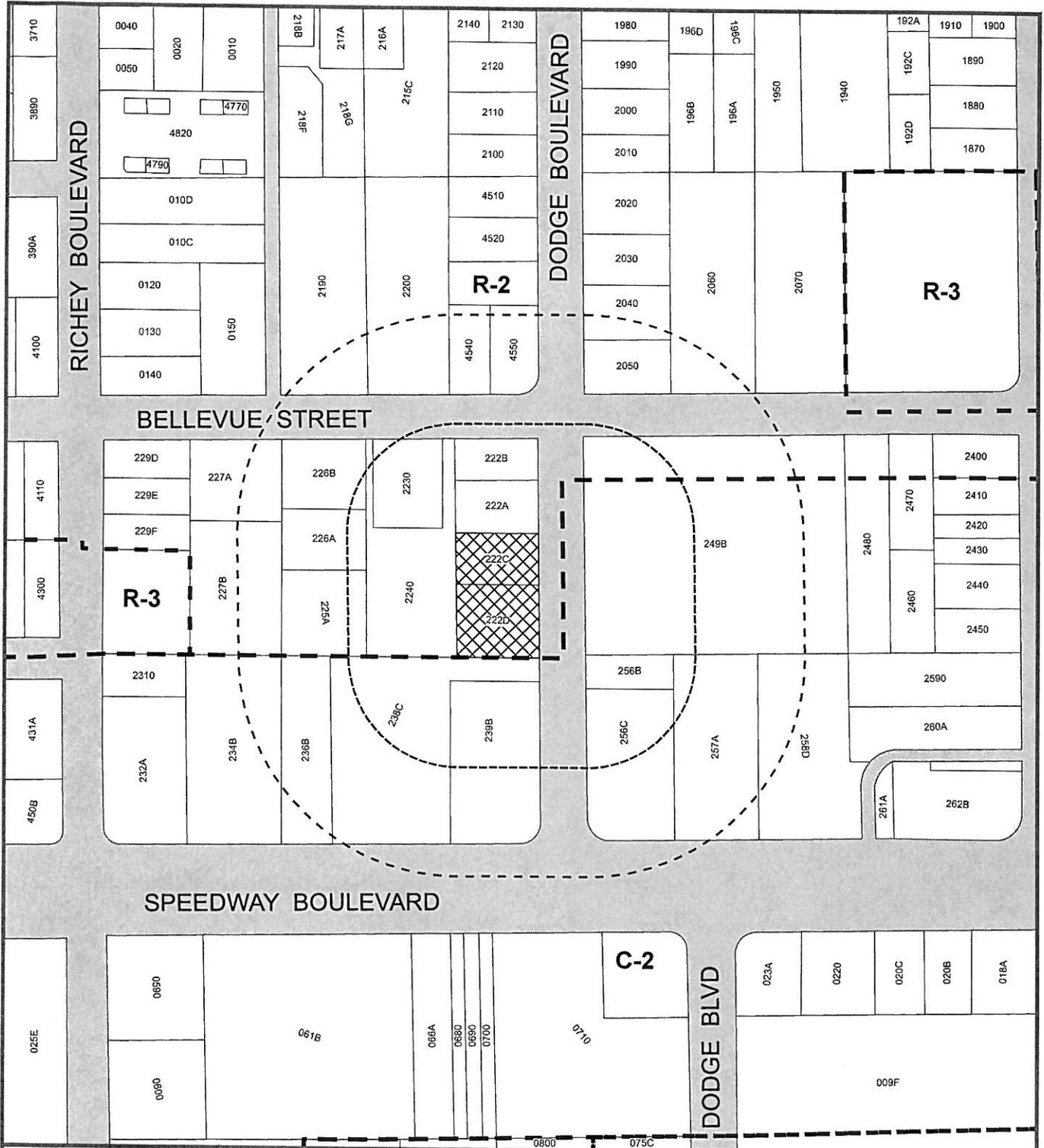


SE-13-92 Watershed Management Group - Dodge Boulevard  
2010 Aerial

0 50 100 200  
Feet  
1 inch = 200 feet



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



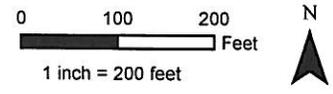
- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries

**R-2** Zoning of Requested Area

*created by: JR, 8/12/2013*



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



**PUBLIC FACILITIES AND SERVICES REPORT FOR November 7, 2013**  
(as of October 11, 2013)

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

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 08/22/13.  
**Planning & Development Services – Engineering:** See attached comments dated 08/27/13.  
**Planning & Development Services – Community Design:** See attached comments dated 09/03/13.  
**Office of Conservation & Sustainable Development:** See attached comments dated 09/03/13.

**No Objections Noted**

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

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 32 vehicle trip per month.

**No Objections Noted**

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

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, October 17, 2013 at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



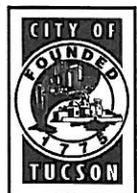
Place  
Stamp  
Here

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

SE-13-92

Expose this flap - Affix stamp and return

---



---

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

SE-13-92  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED