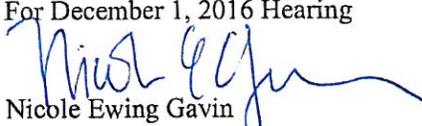




# MEMORANDUM

DATE: November 15, 2016  
For December 1, 2016 Hearing

TO: Jim Mazzocco  
Zoning Examiner

FROM:   
Nicole Ewing Gavin  
Planning & Development Services  
Director

SUBJECT: REZONING: PLANNING & DEVELOPMENT SERVICES REPORT  
C9-16-12 West University HPZ Boundary Amendment – University Blvd and 4<sup>th</sup> Ave  
HC-3 and HR-3 to C-3 and R-3 zone (Ward 6)

**Issue** – This is a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to remove the Trinity Church properties from the West University Historic Preservation Zone (HPZ) and rezone the parcels from HC-3 and HR-3 to C-3 and R-3 zoning. The rezoning site is located at the southeast corner of University Boulevard and 4<sup>th</sup> Avenue (see Case Location Map). The applicant is proposing a mixed use project that is an adaptive re-use of the Trinity site in which the project proposes building heights between 48- 50 feet in order to reduce the overall massing footprint through a building height that is under the height of the existing onsite structures which top out at 61.6 feet for the church bell tower and 51.6 feet for the Donald Hitch Memorial structure.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of the amendment to the West University HPZ boundary, subject to approval of C9-16-13 Trinity Presbyterian Church PAD (H).

### **Background Information**

This is a companion case to C9-16-13 Trinity Presbyterian Church PAD (H) with the PAD (H) document including all of the HPZ Standards from the Unified Development Code, Section 5.8, with only those exceptions for height, setbacks, and other development standards that are needed for the proposed project design. Both rezoning cases are subject to approval of each other by Mayor and Council.

The Historic Preservation Zone (HPZ) requires that building heights for new construction shall be no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone which in this case is the original Trinity Church sanctuary height of 36-feet. The HPZ does not allow for height variances. The only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary, removing the Trinity site from the HPZ, and then rezoning the property to PAD (H).

On May 17, 2016 the WUHZAB voted 3-1 (with two abstentions) to forward a favorable recommendation to the Mayor and Council to initiate the rezoning process to replace the HPZ Overlay Zone for the Trinity Church site with a PAD-H Zone that includes all of the HPZ Standards from the Unified Development Code, including the requirement for design reviews of alterations and new construction and that a WUHZAB representative work with City staff and the applicant during the boundary amendment/PAD-H rezoning process.

On May 26, 2016 the T-PCHC PRS voted 5-0 to forward a favorable recommendation to the Mayor and Council, to initiate the Historic Preservation Zone boundary amendment subject to the following conditions: 1) draft PAD (H) proposal to be reviewed by PRS prior to any approval; 2) any future amendments (minor or major) to the PAD (H) to be reviewed by PRS; 3) agreement with an owner in the West University National Register District for a relocation of contributing duplex that does not affect eligibility of the duplex; 4) PAD (H) proposal to include application of all current Unified Development Code 5.8 HPZ zoning requirements to all contributing historic buildings onsite; 5) proposed new construction to be reviewed for compatibility by PRS using West University Historic Design Guidelines and Unified Development Code, in consultation with SHPO when necessary; recognizing that the proposal will be looking for exceptions based on height and setbacks, and possibly other exceptions to the design guidelines; and 6) WUHZAB representative be involved in the boundary amendment and PAD (H) creation processes.

On June 21, 2016 Mayor and Council voted 7-0 to begin the rezoning process for the West University HPZ Boundary Amendment – Trinity Presbyterian Church, recognizing that the specific set of facts in this case are such that the PAD (H) will eventually include the historic preservations on the existing structures and the movement of the bungalow, and that this does not set a precedent for future erosion of the historic boundaries going forward.

Existing Land Use: Religious/Church complex that includes sanctuary, offices, meeting hall, surface parking lots, and two historic residences.

Zoning Descriptions:

Existing

Historic Commercial Zone 3 (HC-3) – This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses. The “H” indicates that this zone is also subject to the overlay zone standards and procedures of the Historic Preservation Zone.

Historic Residence Zone (HR-3) – This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses. The “H” indicates that this zone is also subject to the overlay zone standards and procedures of the Historic Preservation Zone.

Proposed

Commercial Zone 3 (C-3) – This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Residence Zone (R-3) – This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned HC-3 and HR-3; Commercial and Residential  
South: Zoned HC-3 and HR-2; Commercial and Residential  
East: Zoned HR-3, HC-1, and HR-2; Commercial and Residential  
West: Zoned HC-3, HR-3, HO-3, and HR-2; Commercial, Office, and Residential

Previous Cases on the Property:

C9-83-49 West University Historic District, R-1, R-2, R-3, R-4, R-5, B-1, B-2A and B-2H to HR-1, HR-2, HR-3, HR-4, HR-5, HB-1, HB-2A, and HB-2H This was a rezoning request for historic designation for an area generally bounded by Speedway Boulevard, Park Avenue, 7<sup>th</sup> Street, and Stone Avenue, and encompassing a major portion of the West University Neighborhood (West University Historic District). On January 3, 1984, Mayor and Council adopted Ordinance 5920 to amend zoning district boundaries in an area generally bounded by Speedway Boulevard, Park Avenue, 7<sup>th</sup> Street and Stone Avenue to apply Historic District regulations in such area, and the ordinance became effective immediately upon its passage and adoption.

C9-16-13 Trinity Presbyterian Church PAD (H) – University Boulevard and 4<sup>th</sup> Avenue, C-3 and R-3 to PAD (H) This is a companion case to C9-16-12 West University HPZ Boundary Amendment. The Trinity Presbyterian Church PAD (H) rezoning will included all of the HPZ Standards from the Unified Development Code, Section 5.8, with only those exceptions for height, setbacks, and other development standards that are needed for the proposed project design. This rezoning case is subject to approval of C9-16-12 by Mayor and Council.

Related Cases:

C9-11-04 Casa de los Ninos PAD – 4<sup>th</sup> Avenue, NR-1 to PAD Zone This was a rezoning request for approximately 3.45 acres bounded by 5<sup>th</sup> Avenue, Helen Street, 4<sup>th</sup> Avenue, and Speedway Boulevard to allow for the redevelopment of an established shelter care facility, comprised of existing shelter care residential uses, a small preschool, play areas, a courtyard, and associated parking. Supporting uses proposed for site included a 2-story, 21,000 square-foot office building, a 2,000 square-foot visitation house, a 1,500 square-foot pre-school, and a 1,150 square foot storage building. The Casa de los Ninos PAD is located within the Feldman’s Neighborhood, a National Register Historic District, and the Feldman’s Neighborhood Preservation Zone (NPZ). The PAD document included standards and regulations that respected the NPZ by complying with criteria contained with the Feldman’s Neighborhood Design Manual. The PAD also included historic preservation policy direction for two structures identified as contributing properties to the Feldman’s National Register Historic District. On July 6, 2011, the Mayor and Council adopted Ordinance 10906, and this rezoning was effectuated on August 6, 2011.

**Applicant’s Request** – The applicant’s request is a two step process. This case, C9-16-12, is step one which proposes the Trinity Church properties be removed from the West University HPZ. This will allow for the height increase needed for the new proposed buildings. The second step is the applicant’s request to rezone the parcels to a PAD (H) in case C9-16-13 that will set the redevelopment standards for the site, including applying the historic preservation standards as outlined in the Unified Development Code, Section 5.8 to the entire Trinity site. The PAD (H) document has been tailored to allow for the design

flexibility required of the proposed project as well as applying the historic preservation standards of the National Register Historic District and the local Historic Preservation Zone to the property.

**Planning Considerations** – Land use policy direction for this area is provided by *Plan Tucson*, *University Area Plan* and the *West University Neighborhood Plan*.

The proposed rezoning site is identified in *Plan Tucson (PT)* as being within an “Existing Neighborhoods” category, which are primarily developed, and 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 maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encourage reinvestment and new services and amenities that contribute further to neighborhood stability. *Plan Tucson* supports historic preservation/adaptation, economic development, infill development, new housing options, and the modern street car. It encourages special zoning districts, such as Planned Area Developments (PAD) or overlay districts, as a way to promote the reuse of historic structures or sites, foster mixed-use activity nodes and pedestrian and multi-modal oriented development areas. *Plan Tucson* supports the continuation of original uses or adaptive reuse of historic landmarks.

Both the *University Area Plan (UAP)* and *West University Neighborhood Plan (WUNP)* promote cooperation between neighborhoods, private developers, and the City of Tucson to ensure new development is sensitive to local neighborhood concerns and supportive of adopted city-wide policies. These *Plans* recognize the distinct neighborhoods in the University Area, and support those changes which protect and enhance the character, identity, and residential quality of life in these neighborhoods. Both the *UAP* and *WUNP* provide policy direction for the utilization of the City’s Historic District and Landmark Zone Ordinance to protect local historic resources, including those properties which are listed on the National Historic Register. These *Plans* call out that new development should demonstrate sensitivity to surrounding uses and compatibility in massing / scale of projects utilizing building materials, architectural style and ornamentation, setbacks, stepbacks, and variation in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk.

University Boulevard is identified as a collector road and 4<sup>th</sup> Avenue is identified as a local street on the City’s Major Streets and Routes Map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 12,231 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

**Analysis** – The project site is located at the southeast corner of University Boulevard and 4<sup>th</sup> Avenue within the West University National Register Historic District and the West University Historic Preservation Zone. The modern streetcar route runs along both University Boulevard and 4<sup>th</sup> Avenue with a stop located just to the east of the site along University Boulevard, and another stop just to the south along 4<sup>th</sup> Avenue. The applicant’s project is proposing a slightly taller building than is not allowed under the HPZ regulations, but with a much smaller footprint and volume in order to achieve a more desirable medium-density project that provides open space and permeability to the neighborhood and 4<sup>th</sup> Avenue Business District. The HPZ does not allow for height variances. The only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary, removing the Trinity site from the HPZ, and then rezoning the property to PAD (H).

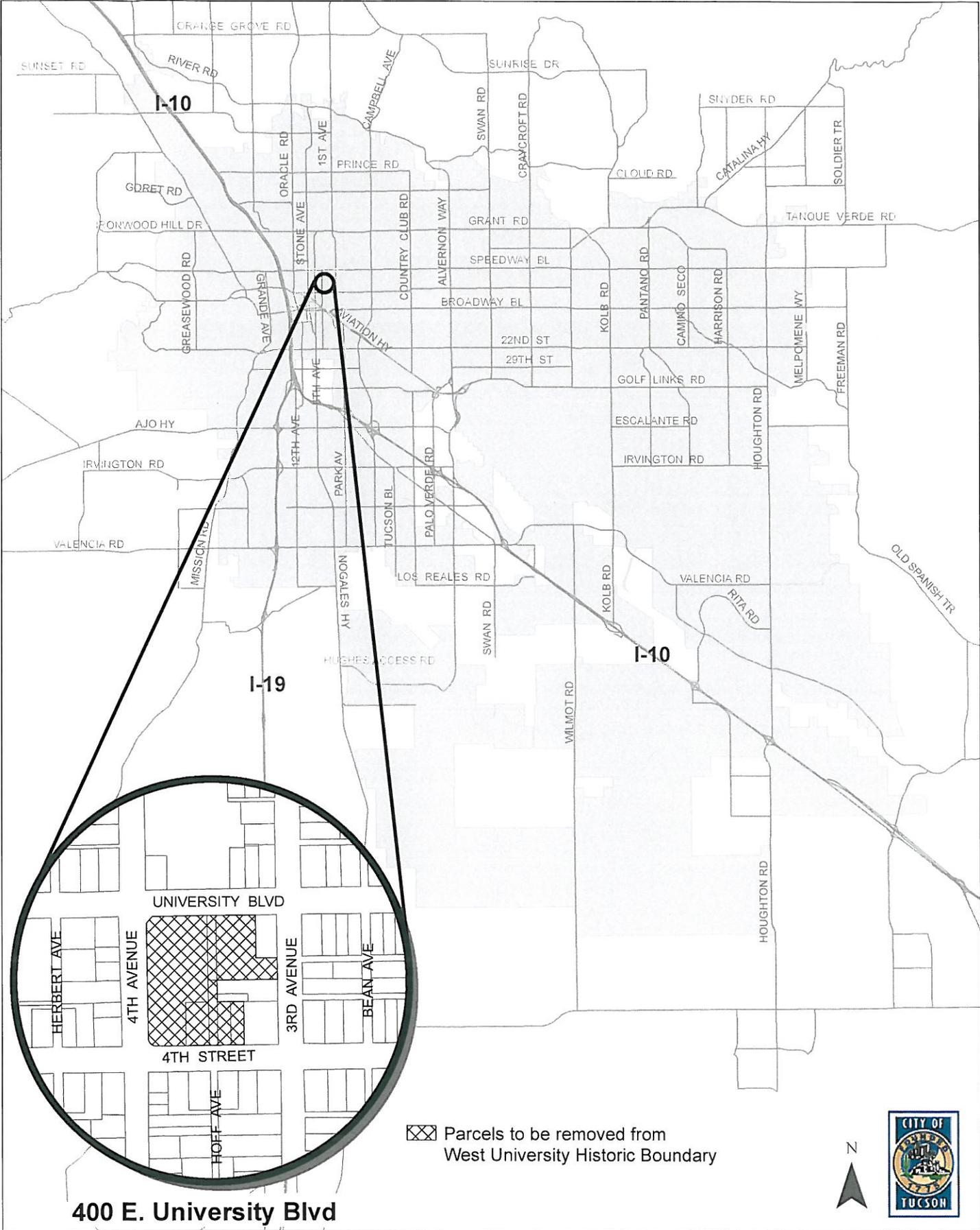
The proposed amendment to the West University HPZ to remove the Trinity parcels from the HPZ overlay will not affect the West University National Register Historic District, or the National Register designations of the historic buildings on the Trinity site, or the National Register statuses of surrounding properties. This is because the contributing statuses (National Register designations as part of the district) of the historic buildings will not change if the historic duplex is relocated in a way that maintains its contributing status, and because the proposed language in the PAD (H) includes requirements for design review of any new building according to the West University HPZ design standards and guidelines and the national standards for compatibility of new construction in relation to a historic building in the Secretary of the Interior's Standards for Rehabilitation.

The boundary amendment in itself will not affect the historic character of the neighborhood. The proposed requirements in the PAD (H) for design review of a new building according to West University HPZ design standards and guidelines, as well as the Secretary of the Interior's Standards, will ensure that a new building will not adversely affect the integrity of the National Register Historic District. A new building design that meets these local and national design standards for new construction in a historic district could potentially be an enhancement of the historic district, compared to the existing non-contributing church annex building proposed to be replaced.

The proposed HPZ boundary amendment is consistent with *Plan* policy direction as long as C9-16-12 is tied to the approval of C9-16-13, Trinity Presbyterian Church PAD (H). *Plan* policy recognizes the distinct neighborhoods in the University Area, and supports those changes which protect and enhance the character, identity, and residential quality of life in these neighborhoods. Both the *UAP* and *WUNP* provide policy direction for the utilization of the City's Historic District and Landmark Zone Ordinance to protect local historic resources, including those properties which are listed on the National Historic Register. The PAD (H) document has been written to provide design flexibility for the proposed project, and to provide compatibility with the historic onsite structures and surrounding historic neighborhood by including the regulations and standards from UDC Section, 5.8, with only those exceptions as needed for the development of the proposed project. The PAD (H) document with the inclusion of a Historic Preservation Zone Standards Section taken directly from UDC, Section 5.8, provides policy direction that is consistent with the City's Historic District and Landmark Zone Ordinance to protect local historic resources, including those properties, i.e. Trinity Church, which are listed on the National Historic Register.

**Conclusion** – The request to remove the Trinity Church properties from the West University Historic Preservation Zone (HPZ) and rezone the parcels from HC-3 and HR-3 to C-3 and R-3 zoning, and then follow up with a PAD (H) rezoning is consistent with *Plan Tucson, University Area Plan and West University Neighborhood Plan*. A plan amendment is not required. Approval of the requested C9-16-12 West University HPZ Boundary Amendment is appropriate only if rezoning case C9-16-13 Trinity Presbyterian Church PAD (H) is approved by Mayor and Council.

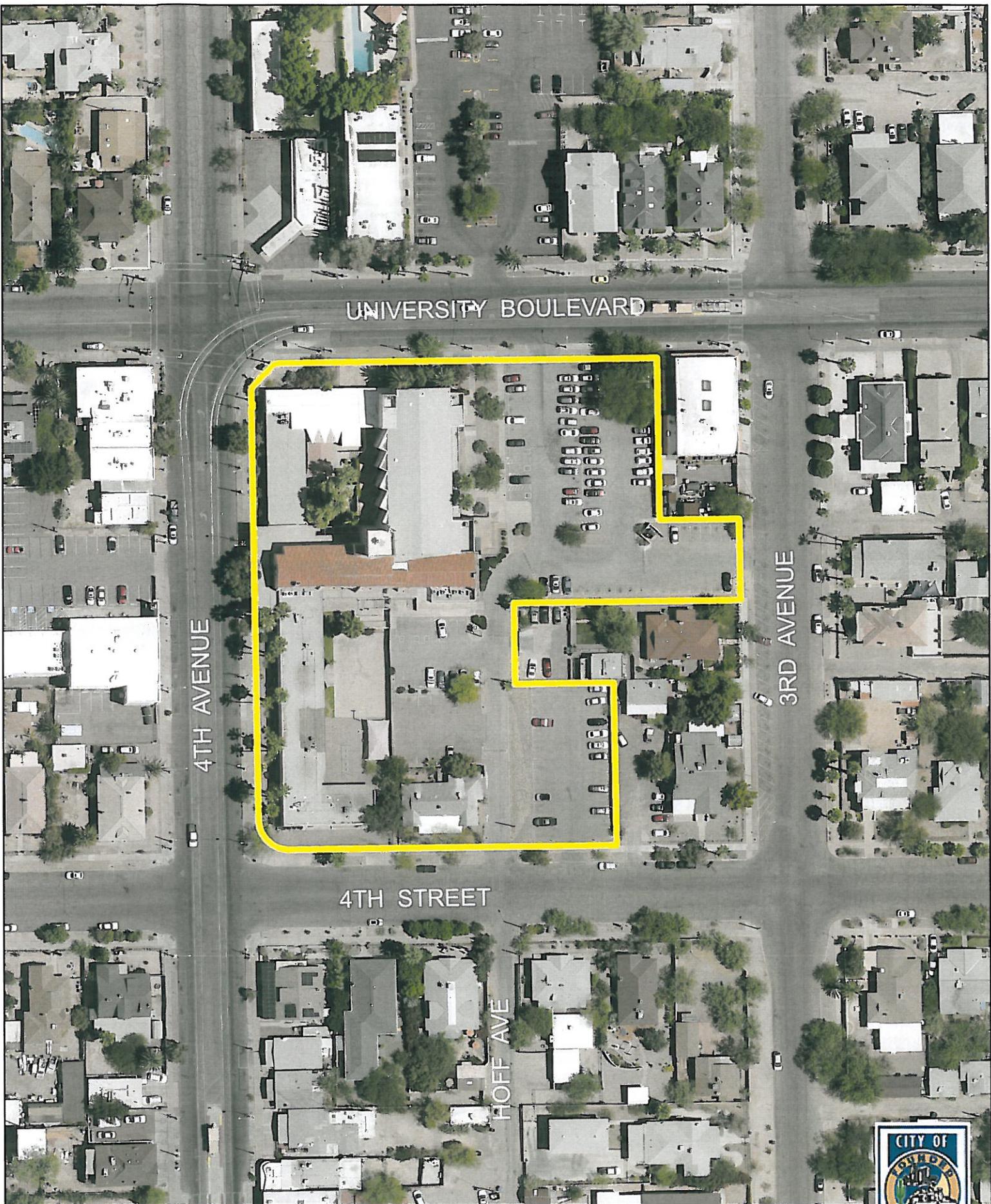
# C9-16-12 West University HPZ Boundary Amendment



400 E. University Blvd

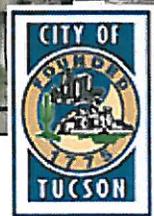
▨ Parcels to be removed from West University Historic Boundary





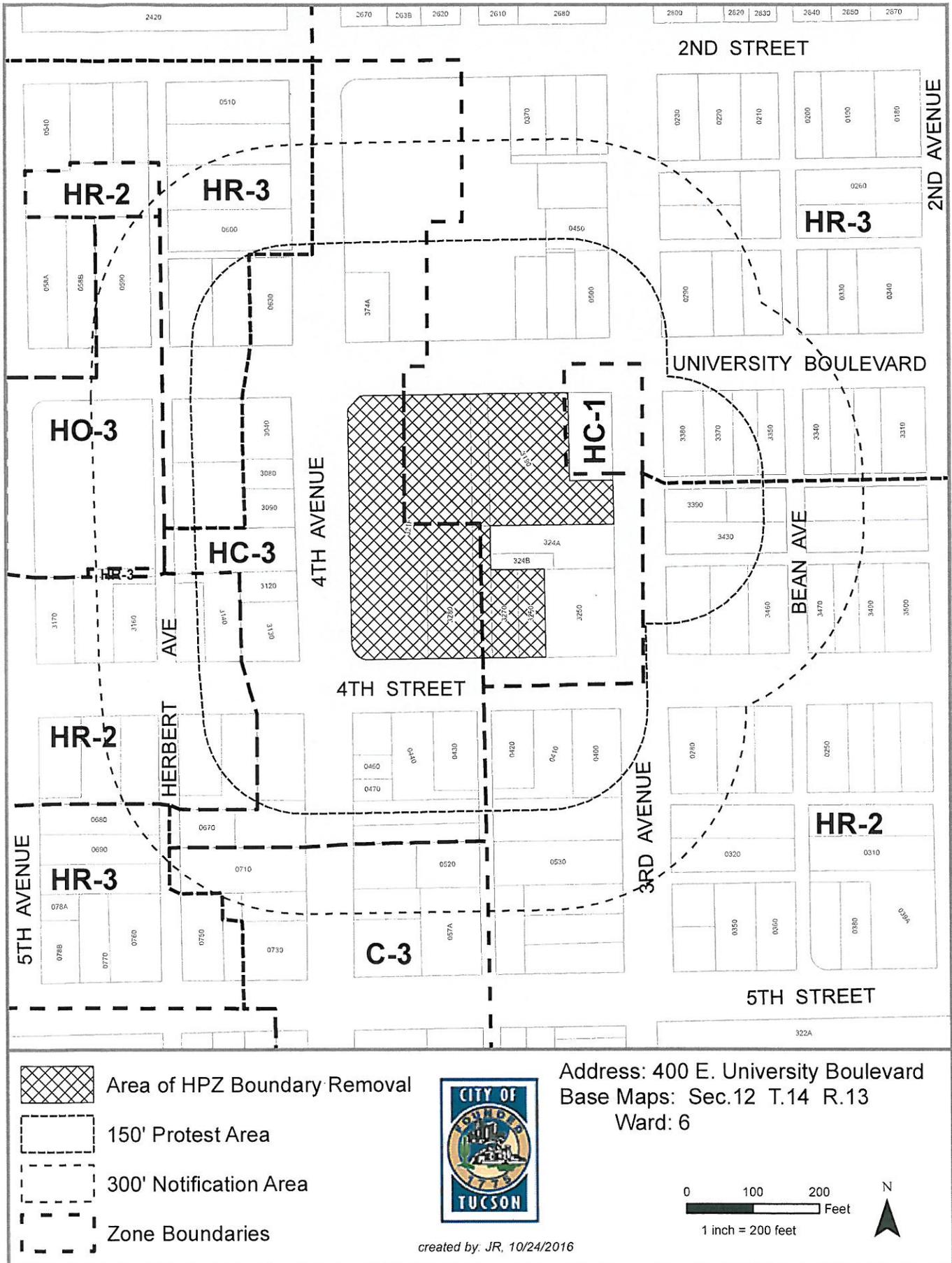
**C9-16-12 West University HPZ Boundary  
Amendment - Speedway Boulevard**  
2016 Aerial

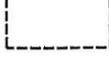
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1 inch = 100 feet



# C9-16-12 West University HPZ Boundary Amendment

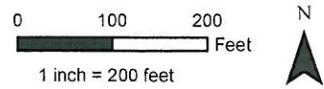
Rezoning Request: from HR-3.HC-3 to R-3,C-3



-  Area of HPZ Boundary Removal
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



Address: 400 E. University Boulevard  
 Base Maps: Sec.12 T.14 R.13  
 Ward: 6





## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing.

**Approvals and protests must have an owner’s signature to be recorded.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-16-12 West University HPZ Boundary Amendment – University Boulevard and 4<sup>th</sup> Avenue, HC-3 and HR-3 to C-3 and R-3 (Ward 6)**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- APPROVE the proposed rezoning.
- PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner’s Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

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

C9-16-12

Expose this flap - Affix stamp and return

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

C9-16-12  
IMPORTANT REZONING NOTICE ENCLOSED