



MEMORANDUM

DATE: August 15, 2007
For August 30, 2007 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-07-16 MANX Investment LLC – Speedway Boulevard R-1 to O-1 (Ward 2)

Issue – This is a request by Ronin Business Services, on behalf of the property owners, MANX Investment LLC, to rezone approximately 0.70 acres from R-1 to O-1 zoning. The rezoning site is located on the south side of Speedway Boulevard, east of El Dorado Place (see Case Location Map). The preliminary development plan proposes the conversion of residential property to 2,937 square feet of office use for a small, commercial property management company.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of O-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Single Family Residence

Surrounding Zones and Land Uses:

North: Zoned O-3; Radisson Hotel
South: Zoned R-1; Single family residences
East: Zoned R-1; Single family residence
West: Zoned R-1; Single family residence

Previous Cases on the Property: none

Related Cases:

C9-05-03 Caylor – Speedway Boulevard, R-2 to O-1. This was a rezoning request for 2.16 acres located at one lot west of the rezoning site, on the south side of Speedway Boulevard and the east side of Barbara Worth, to allow the development of a one-story office building, 22,000 square feet in size. A development plan was approved on August 16, 2005. On June 6, 2006, Mayor and Council adopted Ordinance No. 10276, effectuating the zoning.

C9-00-01 6700 E. Speedway Boulevard – Speedway Boulevard, R-2 to O-1. This was a rezoning request for 1.1 acres located east of Natachee Avenue on the south side of Speedway, approximately nine lots east of the rezoning site, to allow the development of a one-story office building, 9,500 square feet in size. On May 11, 2004, Mayor and Council adopted Ordinance No. 9601 and on June 9, 2006, Building Permit No. T06CM01911 was issued, effectuating the requested zoning.

Applicant's Request – The applicant's request is to rezone 0.70 acres from R-1 to O-1 to allow for the conversion of residential property to 2,937 square feet of office use for a small, commercial property management company.

Planning Considerations

The *Sewell/Hudlow Neighborhood Plan* and the *General Plan* provide relevant land use policy guidance. These *Plans* promote appropriate redevelopment and conversion of existing sites, i.e. residential units, along arterial streets if appropriate design criteria and buffering can be met. The *Sewell/Hudlow Neighborhood Plan* land use development map identifies this stretch of Speedway Boulevard for future land use as residential office. The *Plan* allows for the conversion of residential structures for non-residential uses when all of the following criteria can be met: 1) primary access can be provided from an arterial street; 2) parking and maneuvering requirements can be met on-site; 3) screening and buffering for adjacent residential uses can be provided on-site; and 4) the existing residential appearance of the structure can be preserved.

The *Plan's* design guidelines section calls out that all vegetation planted along major street frontages and along the perimeter of new developments should be low maintenance and drought tolerant. Plants, such as thorny cacti, should be a minimum of five feet from the edge of a walkway. Along street frontages parking areas with more than four spaces should be screened.

The *Sewell/Hudlow Neighborhood Plan* and the *General Plan* policies encourage and support developments that respond to physical characteristics of the site and adjacent land use patterns; enhance the visual appeal of the streetscape; and incorporate neighborhood recommendations into site planning and design.

The rezoning site is surrounded by single family residences on the east, west and south sides. The Radisson Hotel is located across Speedway Boulevard to the north. Vehicular access to the rezoning site is proposed from Speedway Boulevard. Speedway Boulevard, identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is north of the rezoning site.

According to the Tucson Fire Department, the rear portion of the building and garage exceed the distances allowed from the nearest fire lane and the nearest fire hydrant for commercial buildings. A sprinkler system for fire protection will need to be installed if an existing fire

hydrant is located within 500 feet of the structure. If the distance exceeds 500 feet, the owner will be required to install a fire hydrant to mitigate the situation. In addition, the Tucson Police Department has indicated that unless sufficient light is already available, exterior lighting will be necessary to accommodate the new parking area. All security lighting will be either low bollard or wall mounted to reduce spillover onto adjacent properties.

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 currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The applicant’s preliminary development plan meets the specific criteria found in the *Sewell/Hudlow Neighborhood Plan*, and it also responds to the neighborhood comments and concerns raised during the formal neighborhood meeting held on June 6, 2007. The concept site plan shows that the subject site will have only one access onto Speedway Boulevard, with parking and loading requirements shown as being met onsite. Appropriate landscaping and buffering will surround the perimeter of the site. A landscape border, 10 feet in width, around the perimeter of the property will be planted with drought tolerant, low-maintenance native desert plants. However, care should be given to avoid planting thorny cacti too close to pedestrian walkways. The applicant has indicated that water harvesting design techniques will be implemented for this site. Micro-basins should be placed in perimeter and front yards, as well as, north street border and planted with trees to shade sidewalk. One tree should be provided for every 4 parking spaces for shading and reducing the ‘heat island’ effect. The applicant’s design for the parking lot is responsive to the neighborhood request for a semi-permeable paving in the parking lot. The design indicates that the parking lot will have colored aggregate for an earth tone finish. This appears appropriate as long as it doesn’t contribute to dust pollution.

Although the site is abutted by R-1 zoning to the immediate west, south and east, the proposed zoning request is consistent with the land use character along Speedway Boulevard. A parcel, located approximately 1,178 feet to the west of the rezoning site, is zoned O-1. Similarly, a parcel located approximately 223 feet to the east of the rezoning site, is zoned O-1. In addition, the intersection of Wilmot Road and Speedway Boulevard is an activity center of mixed uses that includes residential, commercial, retail and office.

The applicant has reached agreement with the City of Tucson Environmental Services staff for curbside 90-gallon service. This will allow the character of the project to stabilize this edge adjacent to existing residential uses, and direct noise and odor from trash dumpsters away from adjacent residential properties. The applicant has also tried to respond to neighborhood comments for perimeter wall buffering, with the proposed wall to be stepped down at the northerly facing from 6’ to 3’ in three segments.

Drainage/Grading/Vegetation – The rezoning site does not lie within a mapped floodplain. Detention/retention is not required.

Road Improvements/Vehicular Access/Circulation – Access to the site is from an existing driveway on the south side of Speedway Boulevard. An existing sidewalk is located in front of the site, along Speedway Boulevard. The preliminary development plan indicates that a sidewalk, four feet in width, will be provided from the existing sidewalk, along the parking area and to the entrance of the structure.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Sewell/Hudlow Neighborhood Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested O-1 zoning is appropriate.

1. A development plan in substantial compliance with the preliminary development plan dated June 21, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
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. All security lighting will be either low bollard or wall mounted to reduce spillover onto adjacent properties.
4. The owner/developer shall install fire protection sprinkler systems if the structure is within 500 feet of an existing fire hydrant. If the distance between the hydrant and the structure is greater than 500 feet, the owner/developer shall install a fire hydrant to serve the property.
5. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
6. Six (6) inch wide fence block or greater shall be used for perimeter walls.
7. Preparation of a complete Drainage Report is required.
8. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case ***** and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case *****.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to

indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case *****.

Dated this _____ day of _____, 20__.

OWNER

By: _____

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public

My Commission expires:

City of Tucson, an Arizona municipal
Corporation

By: _____
Department of Urban Planning and Design