



Zoning Examiner

Preliminary Report

April 24, 2024

Rory Juneman

Lazarus & Silvyn, LLC

5983 E. Grant Road, Suite 290

Tucson, AZ 85712

SUBJECT: TP-MOD-1223-000031 – East Wetmore and 1st Avenue – Major Change to Preliminary Development Plan and Conditions, C-3 (Ward 3)

Public Hearing: April 17, 2024

Dear Mr. Juneman:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case TP-MOD-1223-000031 – East Wetmore and 1st Avenue – Major Change to Preliminary Development Plan and Conditions, C-3 (Ward 3).

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from 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.

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SUMMARY OF FINDINGS

This is a request by Lazurus and Silvyn, LLC on behalf of the property owner, Tucson Place Investors, to expand and reconfigure a large existing commercial establishment which is part of a larger 28-acre commercial development known as “Tucson Place.” The preliminary development plan modification will allow an existing Walmart store to expand to 171,344 square feet. The expansion includes the existing store (95,101 square feet), amalgamation of several adjacent spaces east of the Walmart which total 48,786 square feet and 27,457 square feet of new floor area. The expansion will also create an access lane between the expanded Walmart area and the existing retail stores. The preliminary development plan also includes landscape improvements within the parking areas and Wetmore frontage. The property is located at the northwest corner of Wetmore Road and First Avenue. (see Case Location Map).

Background Information

Existing Land Use: Large Commercial Establishment

Zoning Descriptions:

Existing: Commercial Zone (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.

Adjacent Zones and Land Uses:

North: RX-1; Residential, Recreation Open Space
South: R-2; Residential, Education, C-1 and C-2; Hotel Office
East: C-3; Commercial, Retail
West: C-3; Commercial, Office

Project Background – The area was annexed into the City in 1982. This larger commercial development was developed in phases and largely constructed in the late 1980’s and early 1990’s. The Phase I Development Plan included the existing Walmart as the anchor tenant along with smaller retail establishments to the east and west. The Phase II Development Plan



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includes the remainder of the retail development which extends east to First Avenue. Several pads have also been developed along the frontage for restaurants. This proposed modification of the existing development plan is permitted by the Large Retail Establishment Ordinance exception which allows modification of development plans.

Applicant's Request – The Applicant is proposing to expand and modify the existing Walmart and several smaller retail establishments to create a modernized and larger commercial establishment. The Applicant seeks to modify the original preliminary development plan to expand and reconfigure the existing Walmart and several smaller retail establishments into a 171,344 square foot Walmart Supercenter.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and *North Stone Neighborhood Plan*.

Plan Tucson - *Plan Tucson* contains a variety of elements that are categories in four focus areas, including the Social Environment, the Economic Environment, the Natural Environment and the Built Environment. Each focus contains specific goals, and each element contains specific policies.

The future Growth Scenario map illustrates different building blocks within the City that have specific policies to promote future growth opportunities. The property is identified as an Existing Neighborhood of the Future Growth Scenario Map. Existing Neighborhoods 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 encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Relevant Policies:

- **LT28.1.11** Support the retention and expansion of existing business.
- **LT28.2.4** Support community commercial and office uses located at the intersection of arterial streets, arterial and collector streets, or collector street intersections.

The North Stone Neighborhood Plan - The *North Stone Neighborhood Plan (NSNP)* is intended to guide future development, while protecting and enhancing existing uses.



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The subject area is within the *North Stone Neighborhood Plan (NSNP)*. The *NSNP Plan* further identifies the subject area as non-residential at the Wetmore and First Ave intersection. The NSNP goal is to promote nonresidential mixed-use development with shared access, circulation systems, parking, and other amenities. The NSNP has several sections that provide goals and policies of non-residential land use, office/commercial and mixed used development:

Non-Residential Policies:

- d. promoting consolidation of abutting parcels for new, nonresidential uses to allow for adequate buffering of adjacent residential development.
- g. providing primary vehicular access only from a major street.

Design Considerations

Land Use Compatibility – The subject site is zoned C-3 as is much of the commercial shopping center property north of Wetmore. The Wetmore and First Avenue intersection is collectively C-1 and C-2. To the south is a residential R-2 zone occupied by the Amphitheater school district.

Commercial uses align the Wetmore frontage and intersection. Further separation of the commercial use and the residential area to the north is provided by the Rillito River and Chuck Huckleberry Loop. As a result, the proposed changes to the preliminary development plan remain consistent with the commercial development along both the First Avenue and Wetmore frontage.

Design Compatibility – The Design Compatibility Report (DCR) and the proposed PDP indicate the expansion and modification of the gross floor area as previously highlighted. New pavement will be provided within the project site. The trash compacting, loading and unloading will be screened by a masonry wall. Existing store sidewalks will be restriped, and new sidewalks will be provided for expansion areas. No additional building height is expected with this project. The area rear of the building will be reduced by the expansion area.

Defensible Space and Lighting – The site configuration and building orientation align with defensible space techniques with controlled access at planned entrances. Additionally, adequate lighting and surveillance within the larger commercial development will ensure intermediate areas between and behind buildings are safe.

Road Improvements/Vehicular Access– Access to the site will largely exist as it does to date. The PDP indicates the Walmart main access will continue to be accessed from Wetmore.



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Secondary access to “Tucson Place” will continue to be accessed from additional driveways from First Avenue and Wetmore. The expansion and reconfiguration of the store will also create an interior access lane with 44 additional parking spaces. The updates will also incorporate EV charging station. Additionally, a traffic statement has analyzed the traffic generation to have minimal impact on the surrounding roadway network.

Large Retail Expansion – The proposal meets the Large Retail Establishment Development Standards by maintaining existing site access, screening outdoor storage, trash collection and loading areas. Noise abatement techniques and hazardous materials plans are currently in place. Building characteristics also align with LRE development standards with consolidated design, signage, and unified entryways.

Landscaping and Screening – Notable increases of the landscape shrubs and trees as part of the expansion area exceed requirements. Water harvesting techniques will also be integrated into the landscaping where feasible.

April 17, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the April 17, 2024 Zoning Examiner hearing and described the planned modernization of the retail center, the improved and enhanced landscaping, including the addition of three times the required number of trees in the parking lot area, and the planned addition of rooftop solar units, which will generate twice the amount of power used on-site.

Three other persons spoke, all in support of the project. Two speakers noted that the planned addition of a HAWK crossing on Wetmore, mid-block between Stone and First Avenue, would be a welcome feature and would enhance pedestrian and bicycle traffic from the adjoining neighborhoods. After the close of the public hearing, a person who was unable to participate due to technical issues, communicated her support of the HAWK crossing, and inquired about the possibility of improving access to the Loop path from the property to be redeveloped.

As of the date of the Zoning Examiner hearing, there were five (5) written approvals and no (0) written protests.

Conclusion –The proposed major change to the development plan is appropriate for this location, is compatible with existing surrounding land uses, and is in compliance with *Plan Tucson* and the



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North Stone Neighborhood Plan. The Applicant is encouraged to finalize the HAWK crossing plan and to explore additional pedestrian and bicycle access to the Loop. Subject to compliance with the preliminary conditions proposed by PDSO, approval of the modified preliminary development plan within C-3 is recommended.

Sincerely,

John Iurino

Zoning Examiner

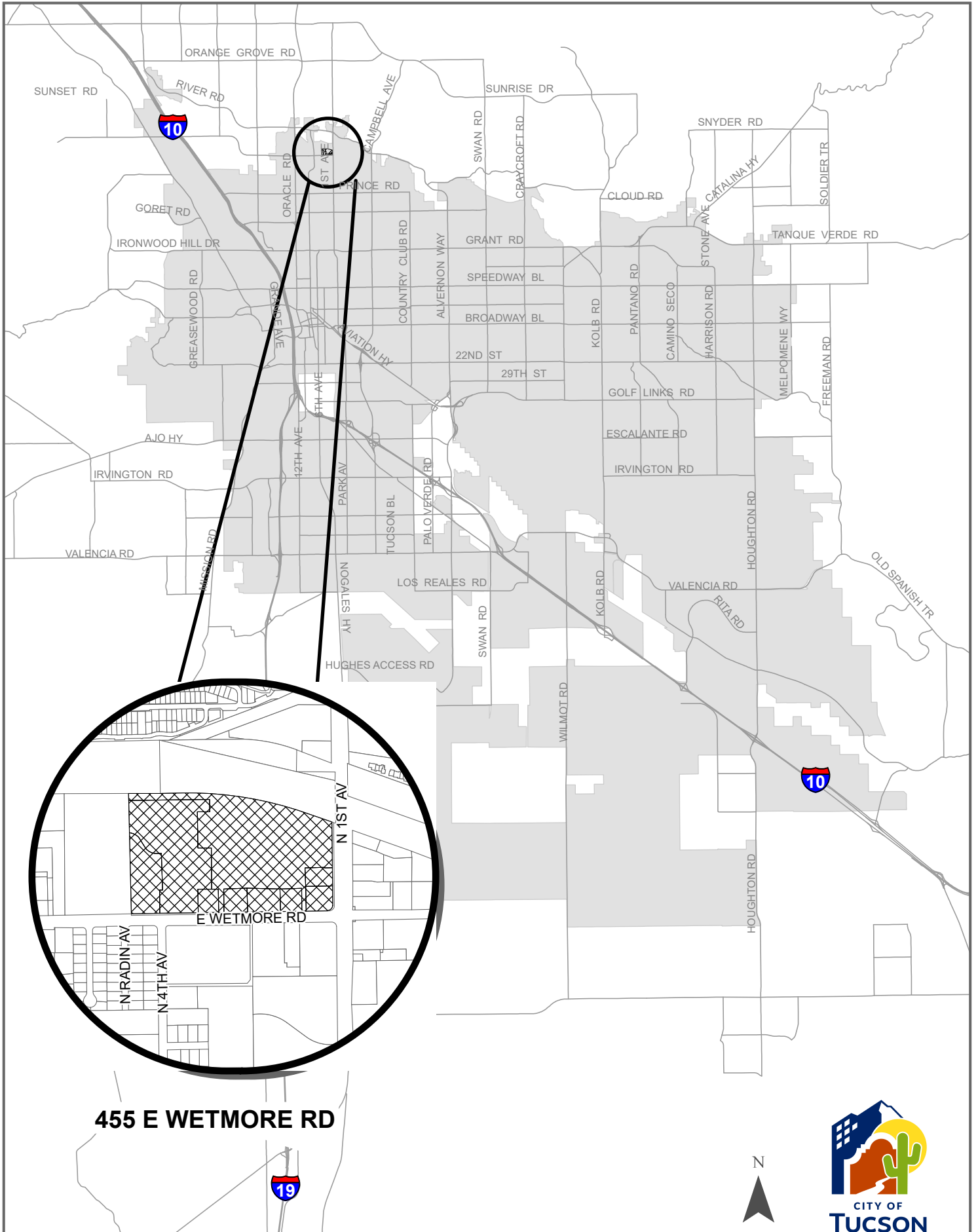
ATTACHMENTS:

Case Location Map

Rezoning Case Map

Cc: Mayor and Council

TP-MOD-1223-000031 - 455 E WETMORE RD




455 E WETMORE RD

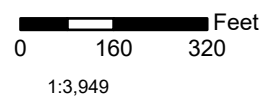


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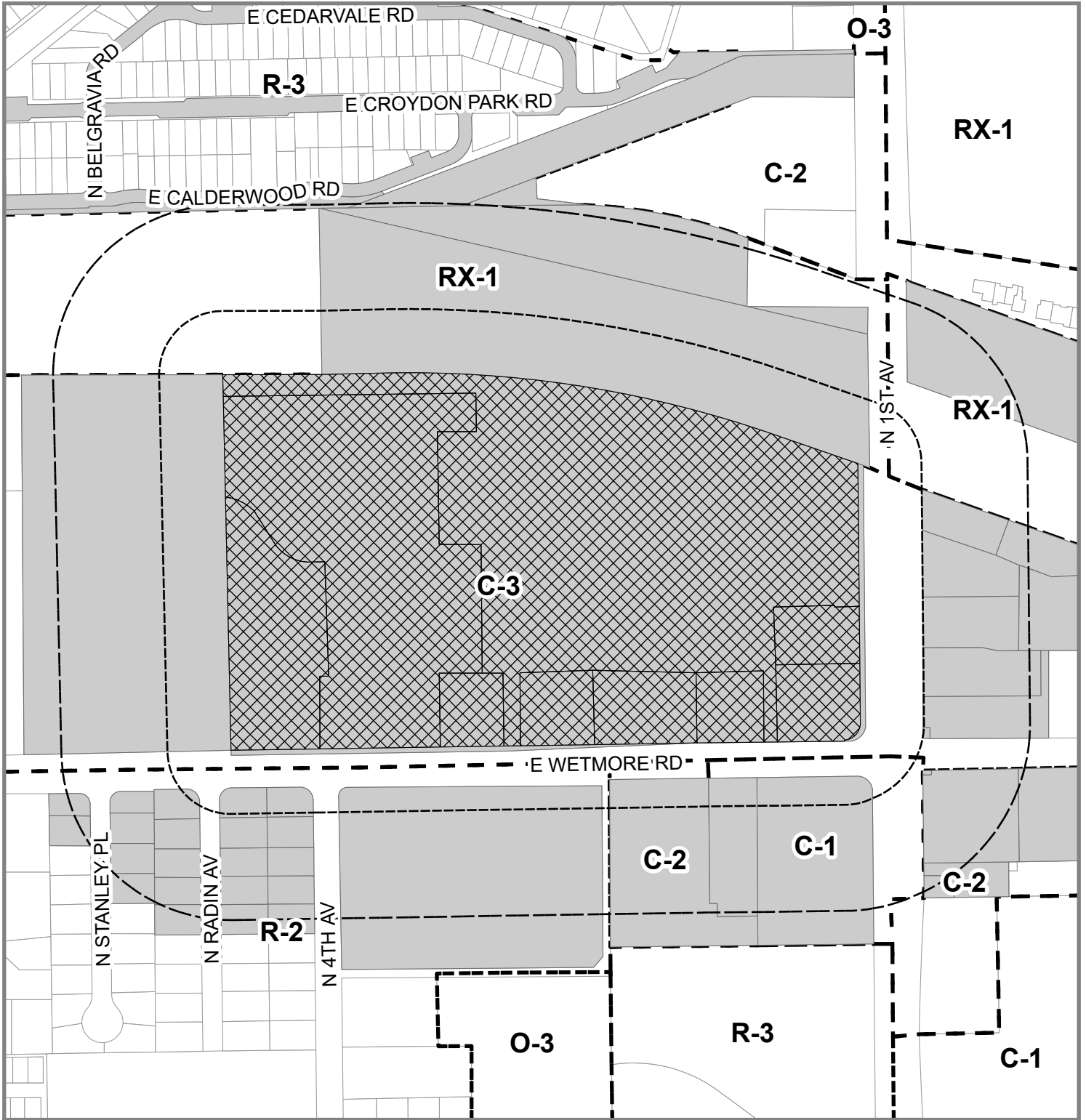




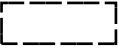
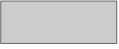

 Subject Property

Address: 455 E WETMORE RD
Ward: 3



TP-MOD-1223-000031 - 455 E WETMORE RD



-  Subject Property
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Properties Notified
-  Zone Boundaries

Address: 455 E WETMORE RD
 Base Maps: Twp. 13 Range 13 Sec. 24
 Ward: 3

