



Zoning Examiner

Preliminary Report

July 27, 2023

Brian Underwood
The Planning Center
2 E. Congress, Suite 600
Tucson, AZ 85701

SUBJECT: TP-ENT-0223-00013 First + Foothills PAD, R-3 to PAD (Ward 3)

Public Hearings: April 27, 2023

May 25, 2023

June 23, 2023

July 20, 2023

Dear Mr. Underwood:

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-ENT-0223-00013 First + Foothills PAD, R-3 to PAD (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.

TP-ENT-0223-00013 First + Foothills PAD, R-3 to PAD (Ward 3)



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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.

BACKGROUND

This is a request by Brian Underwood of The Planning Center, on behalf of the property owner, First & River Storage LLC, to rezone a 1.03-acre parcel from R-3 residential to Planned Area Development (PAD) zoning. The rezoning site is located at 720 East Foothills Drive, approximately 1,161 feet north of the 1st Avenue and River Road intersection on the east side of 1st Avenue. The PAD proposes to allow the site to develop with a single use (self-storage). Immediately south of the site is the First and River Self-Storage (rezoned from R-3 to C-1 in 2015), a climate-controlled facility with little to no unit vacancies. While under common ownership, this facility and the one proposed within the PAD will not be affiliated. A PAD is proposed in order to implement the goals of the Catalina Foothills Subregional Plan, which provides land use policy for the site and ensures that the subject site is developed as a low-intensity, low-impact use that is mindful of the site's unique constraints.

SUMMARY OF FINDINGS

Background Information

PAD Document Review: The PAD document went through an iterative review process with numerous City departments and outside agencies, with multiple drafts until there was consensus that the final document was ready for the required neighborhood meeting and Zoning Examiner public hearing. The PAD review involved considerations including adopted policy, existing capacities, traffic impacts and counts, water demand impact, and sewer capacities in relation to the proposed project.

Existing Land Use: Vacant

Zoning Descriptions:

Residential 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.



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Planned Area Development (PAD): enables and encourages comprehensively planned development in accordance with adopted plans and policies. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

Surrounding Zones and Land Uses:

North: Zoned Pima County CR-1 / Residential.

South: Zoned City of Tucson C-1 / Commercial/Self Storage

East: Zoned City of Tucson C-1 and R-3 / Assisted Living Facility and Vacant; Zoned Pima County TR / Residential.

West: Zoned City of Tucson R-3 / Vacant/Drainage; Across N. 1st Avenue Zoned Pima County TR and CR-4 / Residential.

Planning Considerations – Land use policy direction for this area is provided by Plan Tucson (PT), and the *Catalina Foothills Subregional Plan CFSP*).

Plan Tucson (PT) - The *Plan Tucson* Future Growth Scenario Map identifies the PAD location as within the Existing Neighborhoods Building Block where the goal is to maintain the character of existing neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that combine further to neighborhood stability. *Plan Tucson* calls to support development opportunities where residential, commercial, employment, and recreational uses are located or could be located and integrated (LT3). *PT* supports commercial uses at the intersections of arterial streets, taking into consideration traffic safety and congestion issues (LT28.2.4). It calls to protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses (LT28.2.14).

Catalina Foothills Subregional Plan (CFSP) – The rezoning site is within the *Catalina Foothills Subregional Plan*, Map Detail #3 – CFSP, River-First which covers approximately 123 acres, generally located east and west of First Avenue and north of River Road. The focus of this map detail is the arterial intersection of River Road and First Avenue, with neighborhood commercial activities centered at the intersection followed by office and high density residential, transitioning to lower density residential uses on the perimeter.



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A Community Activity Center (CAC) is called for at the intersection of First Avenue and River Road. Outward from the intersection, Medium High and Medium Intensity Urban uses are identified before transitioning to Low Intensity Urban on the edge of the district. The rezoning site is within the Planned Land Use Category – E (Medium High Intensity Urban). The purpose of Medium High Intensity Urban (MHIU) is to designate areas for a mix of medium- to high density housing types and other compatible uses. These areas provide opportunities for a variety of residential housing types including cluster option developments with special attention given to site design to assure that uses are compatible with adjacent lower density. The following zoning districts may be applied for under this intensity category: RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, P-I (Park Industrial), and PAD (Planned Area Development). The rezoning site is also within 2-19 Catalina Foothills Special Area which limits building heights to 24 feet.

Planned land use in the subregional plan is designated by a hierarchy of land use intensity categories. Unlike density, which reflects the number of units in an area, land use intensity considers a variety of factors that affect land use, including type of activity, density, associated vehicle trips, and impacts on infrastructure and services. Zoning district options are based primarily on three considerations: 1) further the objectives of City of Tucson, i.e., *Plan Tucson*; 2) address the need for similar levels of public infrastructure to accommodate permitted uses; and 3) promote the compatibility of permitted uses.

The *CFSP* calls out that a rezoning request or planned area development will be determined to comply with the plan when:

- 1) The proposed development requires a zone listed under the Land Use Intensity category designated for the site;
- 2) The proposal complies with density ranges allowed for the applicable Land Use Intensity category; and
- 3) The proposal complies with Special Area Policies which may restrict either density or land use.

Project Description – The proposed project is to develop an approximately 31,000 square foot climate-controlled self-storage facility with a covered loading zone, eight (8) parking spaces, and landscaped areas. The proposed structure will be designed with two stories above ground and one story below ground, with a maximum building height of 24 feet. The proposed building has been positioned on the western edge of the property close to First Avenue, because of the grade differential across the site, the presence of residential uses to the east, and the existing drainage that runs along the eastern and southern boundary of the site.



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The building location effectively establishes a transition across the site. The building will be designed with four-sided architecture, materials, and colors consistent with desert Southwest; highly reflective materials are not proposed and shall be avoided.

The proposed project has incorporated some mitigating measures to ensure compatibility with its proximity to residential uses and the similar self-storage commercial use to the south. There will be ample setbacks, screening, and landscaping provided to mitigate any privacy concerns and to provide visual appeal. The site will be configured with appropriate retention/detention areas to mitigate adverse impacts of surface runoff from the proposed structure and parking areas. There will be new vegetation planted within landscape borders. A commercial rainwater harvesting plan is required by the UDC, with curb cuts and inlets on both grading and landscaping plans allowing runoff to drain into the landscaped areas. The self-storage facility will have onsite management and surveillance to ensure the safety of users and adjacent residents, including 24-hour video monitoring.

The project site will be accessed from Foothills Drive with a new curb cut approximately 27 feet wide. The driveway is approximately 198-feet east of First Avenue, with the assisted living facility (C-1 zoned) 170-feet farther to the east of the self-storage facility's driveway. Internal circulation will be provided with an appropriately sized parking area access lane (PAAL) with a 26 feet minimum width, and driveway aisle in accordance with Tucson Fire Department standards. Pedestrian circulation (internal and external) will be provided with ADA compliant sidewalks. The project site anticipates low-density traffic, with the PAD identifying estimates for the proposed self-storage use generating approximately 45 trips per weekday; 6 trips for the AM Peak Hour, and 6 trips for the PM Peak Hour. The PAD document also noted that similar facilities currently generate only 1-2 trips per day.

PAD Rationale – The *Catalina Foothills Subregional Plan*, Map Detail #3 – CFSP, River-First, focuses on the arterial intersection of River Road and First Avenue, with neighborhood commercial activities centered at the intersection followed by office and high density residential, and other compatible uses, transitioning to lower density residential uses on the perimeter. While the *CFSP* allows for a wide range of residential and office zoning districts that may be applied for under the MHIU intensity category (RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2), it only lists two commercial zoning districts P-I (Park Industrial) and PAD (Planned Area Development). The P-I zone typically has development standards that can mitigate the intensity of this zoning category that include limiting certain land use activities, such as personal storage to be conducted entirely within an enclosed building. The P-I zone does have a use-specific standard that requires access for personal storage to be from a collector or arterial street. Hence the *CFSP* looks to the PAD zone as a zoning category that may be applied for under the MHIU category to best allow for commercial development to transition north from the Commercial Activity Center at First and River.



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The PAD zone is appropriate for the subject parcel as it provides a zoning designation modeled to be consistent with those properties bordering the site's southern and eastern edges. The PAD can tailor its development regulations to be compatible with surrounding uses and the natural site terrain. The PAD allows for a single use, such as personal storage, to be even more tailored to the site and surrounding uses, requiring that other C-1 permitted uses go through a PAD amendment process to ensure uses that do not change the overall intent of the PAD, and that these uses are appropriate and compatible with the surrounding area. The PAD zone can ensure that the subject site is developed as a low-intensity, low-impact use that is mindful of the site's unique constraints, while still implementing the CFSP, Map Detail #3 hierarchy of land use intensity categories extending north from the First and River intersection.

PAD Document Overview – The PAD document will use the established standards of the C-1 zone as the base zone, subject to the modified development regulations for the First + Foothills PAD.

Permitted Uses

- Personal Storage, subject to UDC Section 4.9.10.C.1, .3-.6 and 4.9.13.0
4.9.10. C. Personal Storage

All storage shall be within enclosed buildings.

All walls or doors visible from adjacent streets and residential properties shall be surfaced with a non-reflective material.

The maximum permitted individual unit size is 200 square feet of floor area.

Razor or barbed wire shall not be used.

The facility's exterior facade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials.

4.9.13.O. C-1 Commercial Zone - General Restrictions

Drive-through services are prohibited; and all land use activities shall be conducted entirely within an enclosed building.



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Prohibited Uses

- Group Dwelling

Development Standards

- Maximum building height = 24 feet.
- Perimeter Yard Setbacks = 10 feet (except along the western boundary = 5 feet).
- Street Perimeter Yard = 15 feet.
- Required Park Spaces for Personal Storage Uses = 1 parking space per 4,000 square feet (Covered Loading shown on the Preliminary Development Plan shall help satisfy required parking).
- Landscape Borders and Screening for Personal Storage uses shall be per Exhibit III.B and Exhibit III.D; all other permitted C-1 uses shall follow UDC standards.
- Refuse facilities (dumpsters) are not required for Personal Storage uses.
- PAALs for Personal Storage Uses may be reduced to 26 feet in width.
- The maximum permitted site area for self-storage is five acres.

Amendments

1. Non-Substantial Changes – Non-substantial changes to the PAD shall be approved pursuant to UDC Section 3.5.5.I and include the following:

1. Modification to the permitted uses that do not change the overall intent of the PAD.
2. Modifications to the proposed PDP provided the Development Standards outlined in the PAD are maintained.
3. Any other items not expressly defined as substantial based on UDC Section 3.5.5.J.
4. Modifications or adjustments to intrusions, encroachments, easements, rights-of-way, or open spaces so long as a conflict does not arise.



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2. *Substantial Changes* – Substantial changes (as defined in UDC Section 3.5.5.J.2.c), are subject to the amendment process outlined in UDC Section 3.5.5.J.

April 27, 2023, Zoning Examiner Hearing

The Applicant's representative and the Applicant spoke in support of the requested rezoning at the April 27, 2023, Zoning Examiner hearing. Five persons spoke in opposition to the proposed rezoning, raising issues concerning traffic, particularly the proposed access from Foothills Drive, and construction noise. In response the Applicant's representative and the Applicant stated that they would be willing to commission a traffic study to review the traffic-related issues raised.

As of the date of the Zoning Examiner hearing, there was one (1) written approval and nine (9) written protests.

The Zoning Examiner continued the public hearing to May 25, 2023, to allow time for the Applicant to conduct a traffic study.

May 25, 2023, Zoning Examiner Hearing

The May 25, 2023, Zoning Examiner Hearing was continued to June 23, 2023, to permit additional time for the Applicant's traffic study.

June 23, 2023, Zoning Examiner Hearing

Prior to the scheduled June 23, 2023, Zoning Examiner hearing, a question was raised about the boundary of the area from which notice was given for the earlier hearings in this case. To make certain that all parties who should receive notice of the public hearing, in fact receive such notice, the Zoning Examiner closed the prior public hearings without taking any action.

The Zoning Examiner scheduled a new public hearing for July 20, 2023, so that notice could be given of the hearing based on the amended boundary. All testimony, protests, approvals, and comments that were given by the public prior to or at the prior hearings were carried forward and considered at the July 20, 2023, hearing, along with new testimony, comments, protests, or approvals.

July 20, 2023, Zoning Examiner Hearing

The Applicant's representative spoke in support of the requested rezoning at the July 20,



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2023 Zoning Examiner hearing. The Applicant's representative reported that the proposed project had been reviewed by a traffic engineer and a civil engineer, who were retained to study the safety of the ingress and egress to the project, and the feasibility of the construction of the proposed access driveway given the slopes present on the property. The Applicant's representative reported that the traffic study determined that the ingress and egress would be safe, and that only minor vegetation trimming would be required along Foothills Drive to enhance sight visibility. The Applicant's representative also reported that the civil engineer determined that slopes of the access driveway were feasible.

One person spoke in opposition to the proposed rezoning, raising issues concerning traffic, particularly the traffic on First Avenue at Foothills Drive, construction noise, and the removal of vegetation. This speaker emphasized that a traffic light or stop sign was needed on First Avenue at Foothills Drive, given the amount of traffic and the speeds of vehicles travelling on First Avenue. (While this is an important point, it does not relate directly to any impacts from the proposed rezoning or related development.)

The Applicant's representative stated that the Applicant would be performing a full native plant survey in connection with the development and would be following all applicable UDC requirements.

Conclusion – The First + Foothills PAD request is consistent with *Plan Tucson* and the *Catalina Foothills Subregional Plan*. Approval of the requested PAD zoning is appropriate.

Sincerely,

John Iurino

Zoning Examiner

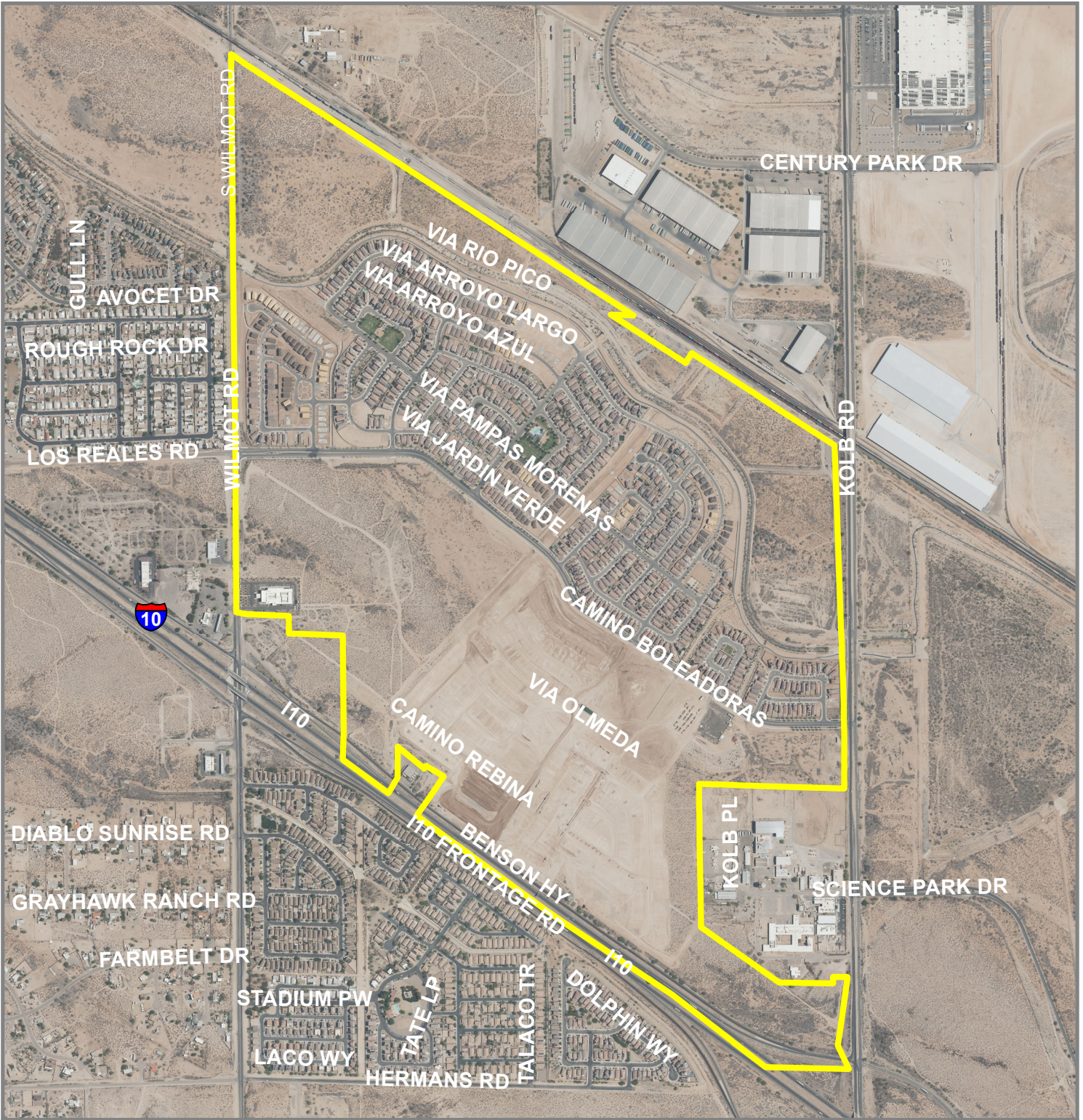
ATTACHMENTS:

Case Location Map

Rezoning Case Map

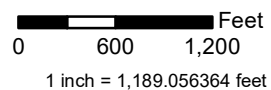
Cc: Mayor and Council

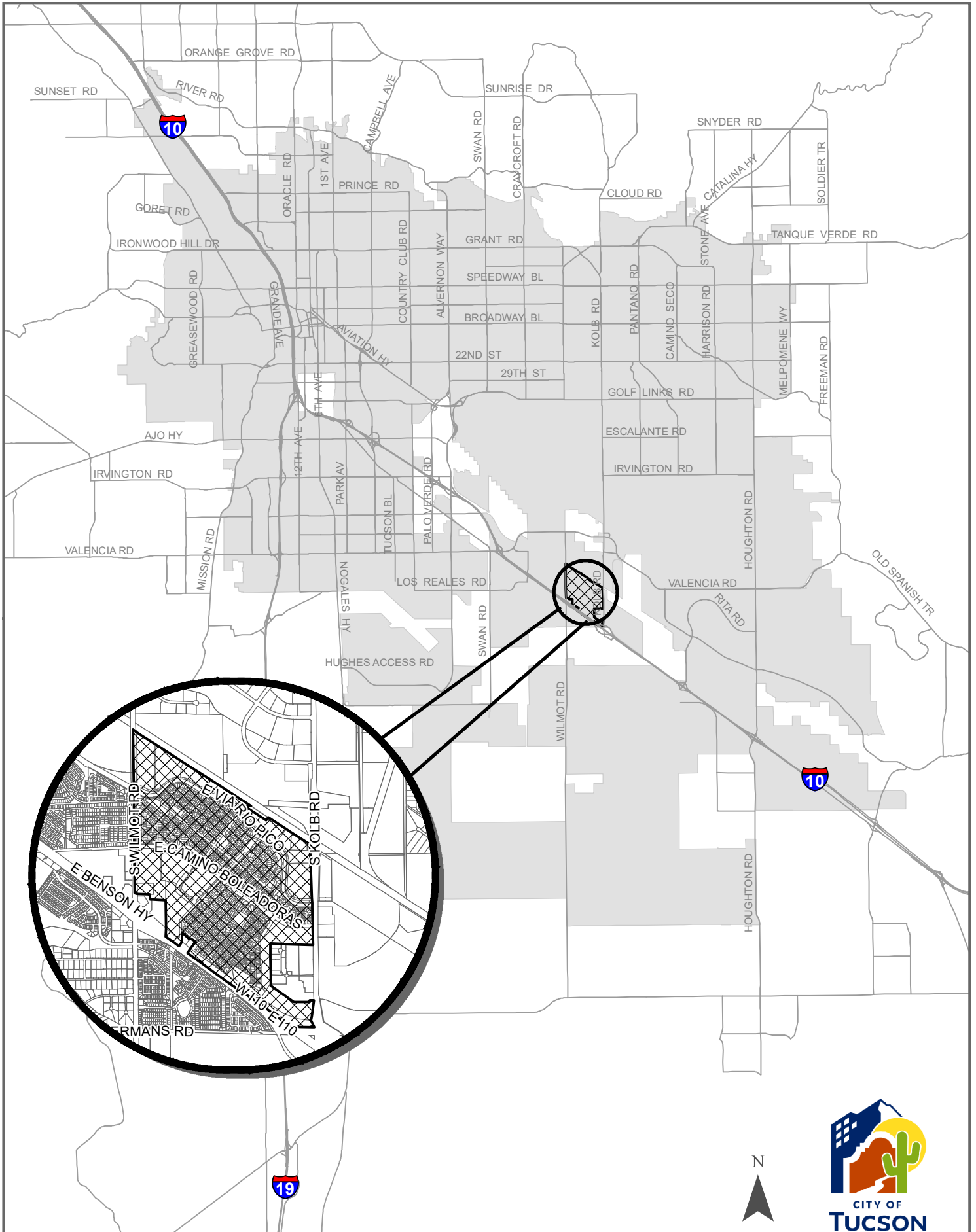
La Estancia PAD (PAD 7 - Major Change)



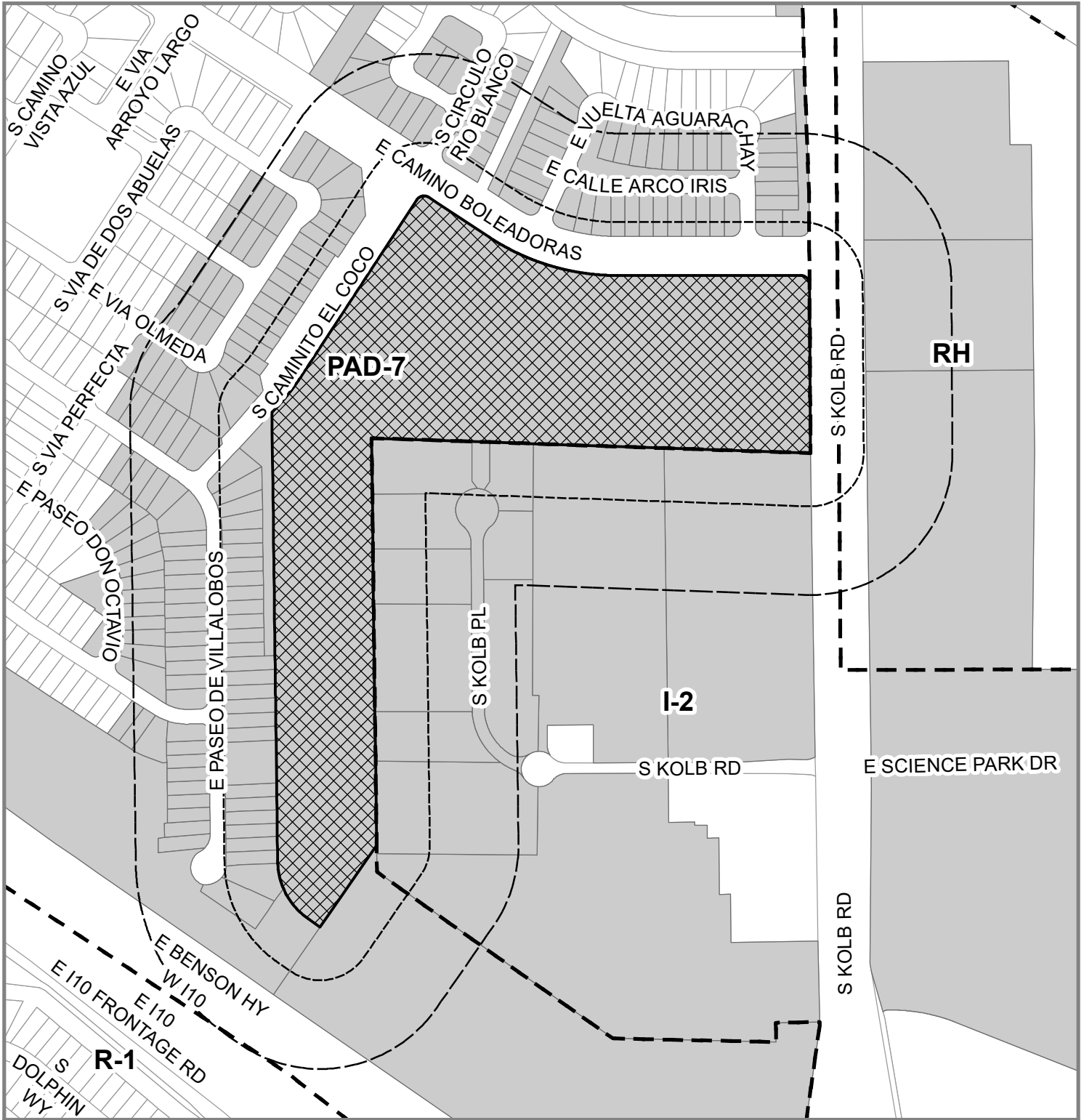
La Estancia PAD - PAD 7

Address:
Base Maps: Twp. 15S R. 15E Sec. 19 &
Twp. 15S R. 15E Sec. 18
Ward: 4


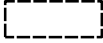
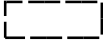

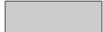




IP-MOD-0523-000012 La Estancia PAD-7



Address: 6930 E CAMINO BOLEADORAS
 Base Maps: Twp. 15S R. 15E Sec. 19
 Ward: 4

-  Area of Major Amendment
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Zone Boundaries
-  Properties Notified

