



Zoning Examiner

Preliminary Report

August 3, 2023

Matt Updegraff
Kimley-Horn Engineering
1001 W. Southern, Suite 131
Mesa, AZ 85210

SUBJECT: TP-ENT-0523-00020 – Select Medical – North Wilmot Road. O-3 to C-3 (Ward 6)

Public Hearing: July 27, 2023

Dear Mr. Updegraff:

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-0523-00020 – Select Medical – North Wilmot Road, O-3 to C-3 (Ward 6).

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

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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.

SUMMARY OF FINDINGS

This is a request by Matt Updegraff from Kimley Horn, LLC, on behalf of the property owner, Select Medical Property Ventures, to rezone a 2.5-acre parcel from O-3 Office to C-3 Commercial, for the construction of a Select Medical Rehabilitation Facility with 66 beds. The proposal includes one four-story facility, 62.8 feet in height, and related site work.

The subject site is on the west side of Wilmot Road across from the intersection of Wilmot Road and Carondelet Drive (See Case Location Map). Because the O-3 zoning on the property allows a maximum building height of 40 feet for non-residential uses, a rezoning to C-3 is requested to allow for the proposed building height of 62.8 feet. The maximum building height in a C-3 zone is 75 feet.

Background Information

Existing Land Use: Vacant – former medical clinic, demolished in 2022.

Zoning Descriptions:

Existing: O-3 (Office) – This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture and renewable energy generation, that provide reasonable compatibility with adjoining residential uses.

Proposed: C-3 (Commercial) – 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: Zoned O-3; multifamily residential

South: Zoned C-3; mid-rise office buildings

West: Zoned R-3; multifamily residential

East: Zoned C-1 and O-3 across Wilmot Road; commercial use and medical office uses

Behind the C-1 immediately east, the area is zoned PAD-13, Carondelet Medical Center complex

Project Background – Select Medical is seeking to develop the project site with a 4-story medical rehabilitation facility with 66 beds.



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Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and the *Sewell/Hudlow Neighborhood Plan*.

Plan Tucson – The site lies within the Existing Neighborhoods building block in the Future Growth Scenario Map in Plan Tucson. 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.

Plan Tucson also provides the following policies related to the proposed rezoning:

LT9 - Locate housing, employment, retail, and services in proximity to each other to allow easy access between uses and reduce dependence on the car.

LT.28.2.4 - Support community commercial and office uses located at the intersections of arterial streets, taking into consideration traffic safety and congestion issues.

LT28.2.12 - Support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

Sewell/Hudlow Neighborhood Plan (S/HNP) – The site is within the boundaries of the *Sewell/Hudlow Neighborhood Plan, Sewell Subarea*. The purpose of the *S/HNP* is to protect the integrity of existing neighborhoods while allowing for new development where appropriate as shown on the Land Use Development Maps. The applicable goals of the *S/HNP*, which are designed to be used with the *S/HNP* General Design Guidelines are:

- Preserve and protect the integrity of established low-density neighborhoods.
- Identify appropriate locations for new development.

The Plan's goals are supported by the following applicable nonresidential subgoals and policies:

Nonresidential Goals:

- Allow for new, nonresidential uses provided the proposed development is designed in



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harmony with adjacent nonresidential and residential uses and in accordance with Sewell/Hudlow policies.

- Establish design and location criteria for nonresidential uses adjacent to existing neighborhoods.

Nonresidential Policies:

3. Allow for new nonresidential development along designated major streets as shown on the Land Use Development Maps.

8. Recognize the Activity Center status of the Broadway/Wilmot area by providing an opportunity for low-rise office development along Broadway Boulevard and mid-rise office development along Broadway Boulevard approximately 600 feet east of the Alamo Wash and along Wilmot Road extending north to Fifth Street as shown on the Land Use Development Maps, when all the following criteria are met:

- a. Traffic generated by new development can be accommodated on abutting arterial streets through street improvements, upgrading mass transit and/or other alternate modes, or a combination of these techniques;
- b. All access is onto arterial streets;
- c. Parking and maneuvering requirements can be met on site;
- d. Building heights transition to be compatible with adjacent heights;
- e. Design complies with Buffering Policies.

9. Provide an integrated pedestrian circulation system throughout the Broadway/Wilmot Activity Center:

- a. During the rezoning and development review process, require new development to provide a clearly defined, internal pedestrian circulation system with amenities which provides connections to public sidewalks and adjacent development;
- b. Pursue alternatives to arterial street-level pedestrian crossings to provide safe pedestrian circulation between components within the Activity Center, through funding mechanisms such as Improvement Districts, and in-lieu fees, to be shared among Activity Center uses.



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Design Considerations

Land Use Compatibility – The site is surrounded by a variety of land uses, which include two multifamily residential complexes to the north and west, mid-rise office towers to the south, and food service across Wilmot Road to the east. The site is also very close to multiple medical facilities, including a University of Arizona Medical Center two parcels to the north, and the Carondelet Medical PAD and St. Joseph’s Hospital across Wilmot Road immediately behind the food services land use. The proposed medical treatment facility is aligned with policies laid out in *Plan Tucson* as well as the *Sewell/Hudlow Neighborhood Plan*.

The medical use is compatible with surrounding medical land uses and replaces a previous medical treatment center that was demolished at this location. *Plan* policy guidance encourages higher- intensity land use along major arterial roads, and the location on Wilmot Road further supports the proposed development. The proposed height of 62.8 feet requires that the parcel be rezoned from O-3 to C-3. C-3 zoning does allow heights up to 75 feet. The office towers to the south are approximately 63.5 feet high, and the increased height allowed by C-3 zoning helps to begin creating a consistent streetscape on Wilmot Road. The development also takes advantage of reduced setbacks recently adopted into city code, and this helps to create a more pleasant and consistent street level experience for commuters and pedestrians. The reduced setback on Wilmot road also allows the building to be placed farther from the multifamily residential complexes to the north and west, which limits the impact of an increased building height on existing residential development. The proposed development is supported by the need to locate higher intensity uses on major arterial roads.

Design Compatibility – The Design Compatibility Report and the proposed preliminary development plan include a drainage basin on the southwest corner and a smaller basin on the east (street-facing) edge. A landscape buffer is planned on the east side, as well as a sidewalk connecting to the existing sidewalk running along Wilmot Road.

The chain-link fence and oleanders along the north side of the property would be replaced by a concrete drainage swale. The sidewalk along the north side is privately owned and runs along the access drive to the apartment complex west of the project site. It appears to be undersized and seems to be the only pedestrian access to the apartments from Wilmot Road.

The backup generator and trash enclosures on the west property line have been moved farther south from their locations on the Applicant’s pre-submittal design, which also serves to respect the pedestrian experience in and out of the western apartment complex.



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Road Improvements/Vehicular Access/Transit – The project faces Wilmot Road, a designated arterial road by the Major Streets and Routes (MS&R) Plan. One access point, on the north-east corner of the project site, faces Wilmot Road. The second access point is on the south property line, through an existing access agreement with the parcel to the south allowing access to Wilmot Road.

Pedestrian circulation is provided from the sidewalk along Wilmot Road. The pedestrian access does not connect with the parcels to the west or north, as existing walls isolate the apartment complexes from the project site. There is no pedestrian access to the parcel south of the project site, due to an existing drainage channel and easement.

July 27, 2023, Zoning Examiner Hearing

The Applicant’s representative spoke in support of the requested rezoning at the July 27, 2023, Zoning Examiner hearing. Two other people spoke. One speaker addressed the sidewalk on the north property line and noted that removing the oleanders and constructing a concrete drainage swale would not enhance the pedestrian experience. The other speaker expressed concerns about noise from the proposed generator.

The Applicant’s representative noted that the sidewalk on the north “meandered” the property line and agreed that steps should be taken to improve the sidewalk as part of the construction of the proposed development. The Applicant’s representative also stated that the generator was for emergency use only and would be surrounded by a 12-foot-high masonry wall, which could be augmented to provide an even greater sound barrier.

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

Conclusion –The proposed rezoning of the site from O-3 to C-3 is appropriate for this location, is compatible with existing surrounding land uses, and is in compliance with *Plan Tucson* and the *Sewell/Hudlow Neighborhood Plan*. Subject to compliance with the preliminary conditions proposed by PDSD, and two additional conditions agreed to by the Applicant at the public hearing ((1) improvement of the sidewalk on the north side of the property, including provision of shade, through landscaping or other means, and (2) additional soundproofing measures on the masonry generator enclosure), approval of the requested C-3 zoning is appropriate.



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Sincerely,

A handwritten signature in black ink, appearing to read "John Iurino".

John Iurino

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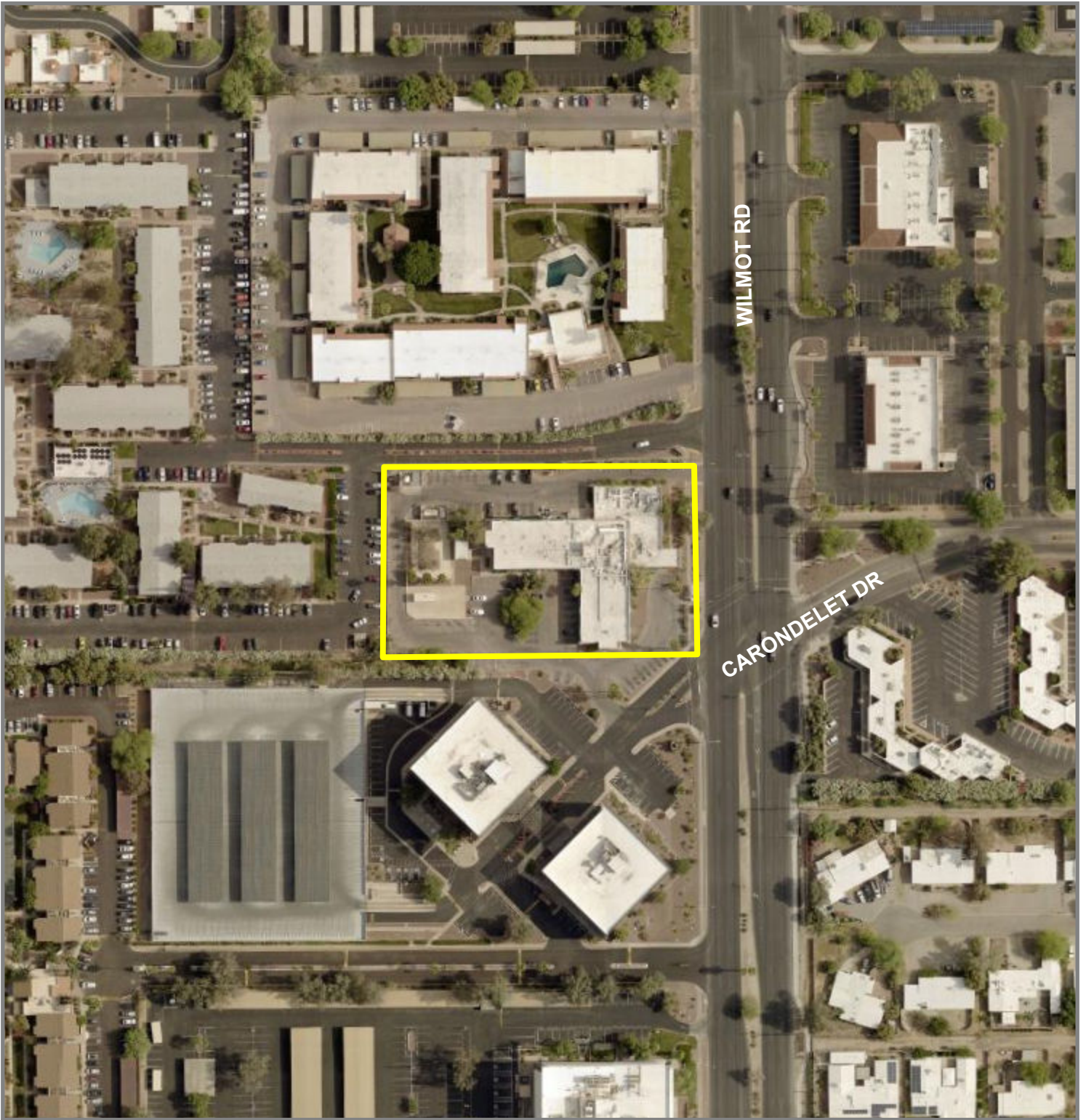
ATTACHMENTS:

Case Location Map

Rezoning Case Map

Cc: Mayor and Council

TP-ENT-0523-00020 355 N Wilmot from O-3 to C-3



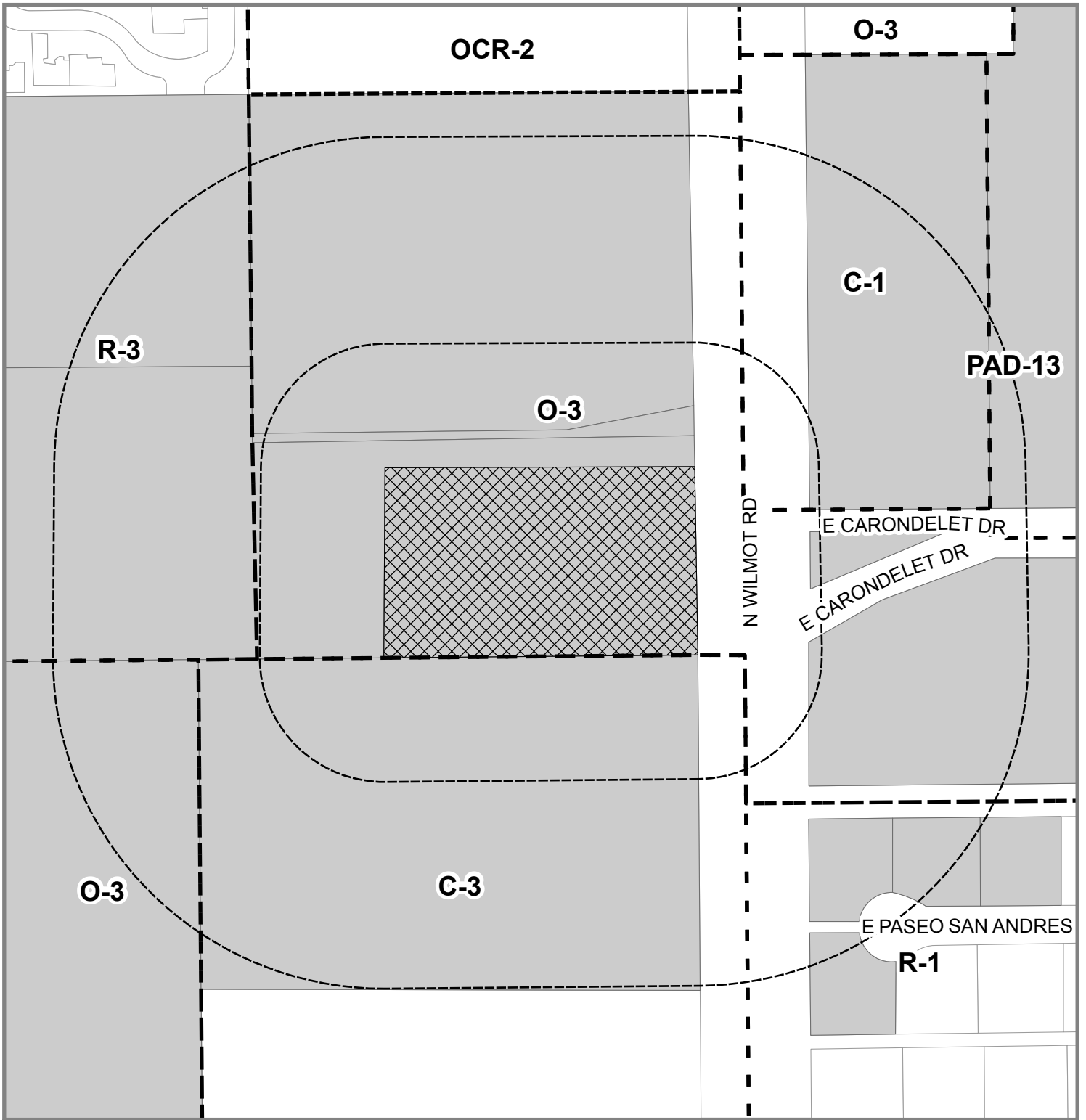
 Area of Rezoning




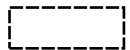

Address: 355 N WILMOT RD
Base Maps: Twp. 1403 Range 1402 Sec. 12
Ward(s): 6

0 80 160 Feet
1:2,022



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

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 Base Maps: Twp. 1403 Range 1402 Sec. 12
 Ward(s): 6

