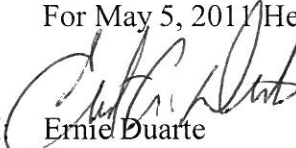




MEMORANDUM

DATE: April 20, 2011
For May 5, 2011 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Ernie Duarte
Planning & Development Services
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT
C9-11-02 Circle K – Speedway Boulevard R-1 to C-1 (Ward 6)

Issue – This is a request by Michael Scarbrough, MD Partners LLC, on behalf of the property owner, Circle K Stores, Inc. to rezone approximately 0.18 acres from R-1 to C-1 zoning. The rezoning site is located 175 feet east of Craycroft Road, on 1st Street (see Case Location Map). The preliminary development plan proposes the subject property be rezoned and incorporated into the adjacent commercial properties to allow development of a Circle K convenience store and gas station with 8 fueling dispensers for 16 vehicles.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Commercial

Surrounding Zones and Land Uses:

North: Zoned C-2; commercial uses.
South: Zoned R-3; multi-family residential
East: Zoned C-2 & R-1; commercial uses.
West: Zoned C-2; commercial uses.

Previous Cases on the Property: none

Related Cases:

C9-09-10 QuikTrip – Ajo Way, R-3 to C-2 – This was a rezoning request for approximately 5.6 acres located on the south side of Ajo Way, east of Mission Road between Phoebe and Pandora Avenues to allow the development of a convenience store/gas station, automated car wash and auto parts sales and service center. On May 25, 2010, Mayor and Council adopted Ordinance No. 10794. The ordinance became effective and the zoning changed to C-2 on June 25, 2010.

C9-09-13 QuikTrip - Golf Links Rd., C-1 to C-2 (Ward 4) – This was a rezoning request to rezone from C-1 to C-2 a 1.56 acre site located within an 18.73-acre parcel that was authorized for C-1 zoning under rezoning case C9-06-03. The rezoning site is located at the southwest corner of Golf Links and Houghton Road, to allow the development of a convenience store with gas service consisting of eight pumps with 16 fuel dispensing nozzles. On March 9, 2010, Mayor and Council adopted Ordinance No. 10768 and on September 30, 2010, a building permit was issued, effectuating the requested zoning.

Applicant's Request – To rezone a 0.18-acre parcel from R-1 to C-1 and incorporate it with three adjacent commercially zoned parcels and develop the consolidated site as a convenience store with 16 fueling stations.

Planning Considerations

Land use policy direction for this area is provided by the *Sewell Hudlow Area Plan* and the *General Plan*.

Sewell-Hudlow Neighborhood Plan – The land use map supports medium- to high-density residential, low-rise office, and neighborhood commercial uses on the site, including C-1 uses. Policies support rezoning residential parcels on the north side of First Street to C-1 if they are consolidated with the commercial parcels to the north fronting on Speedway, all access is from Speedway, parking and maneuvering can be met onsite, and adequate screening and buffering can be provided for adjacent residential uses. To enhance the visual appearance of solid, long walls, policies promote using a decorative treatment

General Plan – *Plan* policies protect residential neighborhoods by supporting compatible development, which may include appropriate non-residential uses. Non-residential uses are supported, where the scale and intensity of use will be compatible with adjacent uses. Appropriate locations for commercial uses are supported, with priority for development in the existing urbanized area to promote use and improvement of existing infrastructure, increase pedestrian activity and transit use, and meet residents' needs for goods and services in a cost-effective and equitable manner. The expansion of commercial areas into adjoining residential areas may be considered when logical boundaries, such as streets, can be established, and adjacent residential properties can be appropriately screened and buffered. Commercial consolidations may be an appropriate way to preserve the vitality of the street frontage and the adjacent neighborhood. Infill and redevelopment projects that promote neighborhood identity and reflect sensitivity to site and neighborhood conditions are supported. Quality in design is promoted for all new development.

The preliminary development plan proposes a 23-foot high, 4,451 square-foot convenience market to be located near the southern boundary of the consolidated site. Fueling stations will be located to the north, near the Speedway/Craycroft intersection, on land currently zoned C-2. Existing development on the project site includes a gas station that has been converted to an auto

sales business, a former restaurant that is closed, and an auto upholstery business. The rezoning site is currently a parking lot for the auto upholstery business. Existing development on all four parcels, including freestanding signs, will be razed and the parcels consolidated for a new convenience store and gas pumps.

Of the four properties that comprise the consolidated development site, the two northern properties are zoned C-2, the southwestern property is zoned C-1 and the rezoning site is zoned R-1 and proposed for C-1. The 16 proposed gasoline dispensers require C-2 zoning, and are located on lots that are zoned C-2. The convenience store, parking, loading and trash collection will take place in the C-1 zone. The Zoning Administrator, in a letter dated November 24, 2010 (included with the application materials), stated the split zoning of C-1 and C-2 can be used for the site as proposed. The split zoning allows for all of the proposed uses and buffers the residential neighborhood from the higher intensity commercial zoning.

Land to the east and west of the consolidated development site, along Speedway Boulevard, is zoned C-2 and developed with commercial uses. East of Craycroft Road the parcels on the north side of First Street are generally zoned R-1. Some are developed with residential uses, while others are parking lots for businesses to the north, along Speedway Boulevard. Previously, parking was permitted on R-1-zoned properties that supported adjacent commercial uses with frontage on arterial streets.

Directly east of the consolidated development site is a restaurant with a large parking lot. The northern part of the restaurant property is zoned C-2, and the southern part R-1. A billboard exists near the property line between the consolidated site and the restaurant property. Staff recommends a survey be completed to determine whether the billboard is on the consolidated site or on the restaurant site. Per City policy, if the billboard is on the consolidated site, it should be removed as a condition of the rezoning.

South of First Street are multi-family residences in R-2 zoning fronting on Craycroft Road. Single-family homes exist to the east in R-1 zoning. To the west, across Craycroft Road, and to the north, across Speedway Boulevard, are commercial businesses in mostly C-2 zoning.

Access is proposed from Craycroft Road near the center of the frontage, and from Speedway Boulevard at the northeast corner of the consolidated site. No vehicular access is proposed to First Street. According to the *Major Streets and Routes Plan*, Speedway Boulevard and Craycroft Road are arterial streets with proposed mid-block rights-of-way of 120 feet (150 feet at the intersection).

Per the Design Compatibility Report, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, a Gasoline/Service Station with a Convenience Market generates an average of 13.38 trips (PM Peak Hour) per fueling position. The proposed development has 16 fueling positions; therefore, the proposed use is expected to generate an average of 214.08 trips per peak hour. Field inspection by staff indicates there are no billboards on the rezoning site. There is, however, currently a non-conforming pole sign being used by Auto Solutions.

Design Considerations

Land Use Compatibility – This proposal is consistent with a trend over the past few years, in which older convenience market/fueling stations on smaller sites are being closed and replaced with newer, larger facilities, that better address today’s market needs. Convenience markets with gas pumps are auto-intensive and operate 24/7. Both Speedway Boulevard and Craycroft Road are arterial streets, and the intersection is busy, noisy, and experiences significant drive-by traffic. If the site can be developed in a manner compatible with the surrounding uses, and if nearby residential uses can be adequately buffered, this is an appropriate location for the proposed use. The project will provide services for area residents, help stabilize the neighborhood edge, and improve the streetscape character.

The proposed building height of 23 feet is consistent with the surrounding building heights, and the scale of the surrounding commercial development. The residential uses to the south will be most affected. To mitigate impacts on neighbors, the building has a 28.9 foot setback from the south property line. Twenty-three feet are required. The additional setback allows enhanced landscaping to be installed between the building and the screen wall. Except for delivery and trash removal activities, vehicular activity on the site will occur north of the convenience store building, away from the southern edge of the site. The building will help block site noise, as well as some traffic noise associated with the Speedway/Craycroft intersection, for the residents to the south.

According to the neighborhood meeting summary, neighbors asked about trash removal and large truck deliveries. Both of these activities will occur near the southeast corner of the site. The closest homes are approximately 110 feet south of the loading zone and the trash collection area. Based on the information provided, Circle K will work with their trash contractor to have trash picked up after 7:00 a.m. Staff will recommend this as a condition.

Site Safety and Security – Neighbors raised the issues of crime and vagrancy. According to the information provided, there will be internal and external security cameras, and signs will be posted. At the neighbors’ request, lighting will be provided along the south side of the building. Other site lighting will be provided as needed. The landscaped area south of the building will be fenced, and the public will not have access to it, which will help deter undesirable activities in this area. Circle K works actively with the Tucson Police Department to manage site security, and has several procedures in place to address these issues.

To discourage people onsite from heading south into the neighborhood, neighbors requested that there be no access, vehicular or pedestrian, along the southern consolidated side edge. For buffering and screening purposes, they requested a masonry wall along the southern and southeastern site edges. A six-foot high masonry wall is shown along those boundaries. Staff recommends that the wall design incorporate a decorative treatment, to enhance the visual character of the development edge adjacent to the neighborhood. The area between the south wall of the structure and the south property line is designed to be inaccessible. Wrought-iron fencing is proposed along the western edge to permit views into the site. Wrought-iron fencing

also extends from the east wall of the structure east, the south to the south screen wall to enclose the area. Access will be through a locked gate.

Stable and Improved Neighborhood Edge – Convenience markets provide services for area neighbors, and tend to be lively and attract business around the clock. The proposed facility will consolidate four parcels and replace three existing businesses, one of which has been closed for a while, with one business. This will help unify the site and provide a more stable, manageable, and consistent neighborhood edge. Six existing driveways will be closed, which will improve local circulation, and traffic and pedestrian safety. As a condition, staff will require that a vehicle cross access agreement be recorded with the property adjacent to the east.

To visually screen the edges of the development, provide buffering, and improve the streetscape appearance, landscaping is proposed along all four site edges. Neighbors requested that there be landscaping on both sides of the southern masonry wall, and around the trash enclosure area, which will provide additional visual buffering, as shown on the preliminary development plan. To promote neighborhood identity and visual character, staff recommends that any graffiti be removed within five working days of discovery.

Per the Department of Transportation Transit Services Division, a standard pullout and bus shelter will be required and can be designed in coordination with a right-turn/deceleration lane if needed. The pad will be wheelchair accessible and connected to the adjacent walkways per ADA requirements.

The neighbors requested that Circle K provide a “Mitman Neighborhood” sign be placed to the outside of the wall at the northwest corner of the property (the southeast corner of the Speedway/Craycroft intersection). The preliminary development plan shows the sign and staff will recommend this as a condition. Staff, however, also recommends the Mitman sign be incorporated into the decorative masonry wall, and not be a free standing sign.

To promote visual quality, all exterior mechanical equipment should be screened from view from the surrounding properties and streets.

Urban Heat Islands/Water Harvesting/Vegetation – The City of Tucson promotes sustainable development, mitigation of Urban Heat Islands and green building principles in the City’s Framework for Advancing Sustainability, adopted in 2008. Surfaces, such as paving from roadways and asphalt parking areas and roofing materials contribute to approximately 40% of impervious surfaces in a city. These contribute to increasing urban heat islands which can have detrimental health effects. Increasing reflectivity of these paved surfaces, providing shade or pervious surfaces mitigate the heat absorption quality of dark pavement. As a condition of rezoning, staff recommends incorporating reflective, pervious paving materials in pedestrian areas and adjacent to planting areas. The use of cool-roof-rated materials such as Energy Star-rated is also required.

The Design Compatibility Report states that canopy trees will be provided for every four parking spaces to decrease the Urban Heat Island Effect. Providing a healthy root zones helps trees reach

their potential maximum canopy capacity. Staff recommends tree root zone to have a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil. Ninety-five percent or greater compaction is permitted if utilizing structured/engineered soil that permits compaction while allowing root development.

Drainage – The site does not lie within a mapped floodplain or erosion hazard area. In general, drainage is toward the Speedway/Craycroft intersection. The site lies within the Alamo wash watershed. Since this is a non-designated basin and the existing site is impervious, neither detention nor threshold detention is required.

Road Improvements/Vehicular Access/Circulation – The proposed development includes the reconstruction of a six-foot-wide concrete sidewalk along both Speedway and Craycroft Road, and a new four-foot-wide concrete sidewalk along First Street. The pedestrian connection is ADA compliant and connects to all parts of the consolidated side with both public streets. During the neighborhood meeting the neighbors requested a direct pedestrian connection not be included to First Street. The neighbors preferred to have the indirect connection along Craycroft Road and maintain the secure six-foot-tall masonry wall along First Street. A Development Standard Modification Request will be required to modify the connection.

Conclusion – The proposed rezoning request is consistent with, and supported by the *Sewell Hudlow Area Plan* and the *General Plan* which support medium- to high-density residential, low-rise office, and neighborhood commercial including C-1 uses at this location. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated March 7, 2011, 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. 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.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

8. All exterior mechanical equipment shall be screened from view from surrounding properties and streets.
9. 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.
10. Graffiti shall be removed within five working days of discovery.

Preliminary Conditions

11. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
12. Trash and recycled materials shall be picked up after 7:00 a.m.
13. In cooperation with the neighborhood, the developers shall incorporate a “Mittman Neighborhood” sign into the decorative masonry wall at the southeast corner of Speedway Boulevard and Craycroft Road.
14. A lighting plan showing adequate security lighting for the area south of the building, and security cameras around the consolidated site, shall be provided at development package review.
15. A survey shall be completed to determine whether the billboard near the property line between the consolidated site and the restaurant property is on the consolidated site, or on the restaurant site. Per City policy, if the billboard is on the consolidated site, owner/developer shall remove the sign.
16. Owner/Developer shall remove existing freestanding signs from consolidated site.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

17. A standard pullout and bus shelter shall be provided. The pad shall be wheelchair accessible and connected to the adjacent walkways per ADA requirements.
18. Applicant shall record cross-access agreement with adjacent property owner to the east.

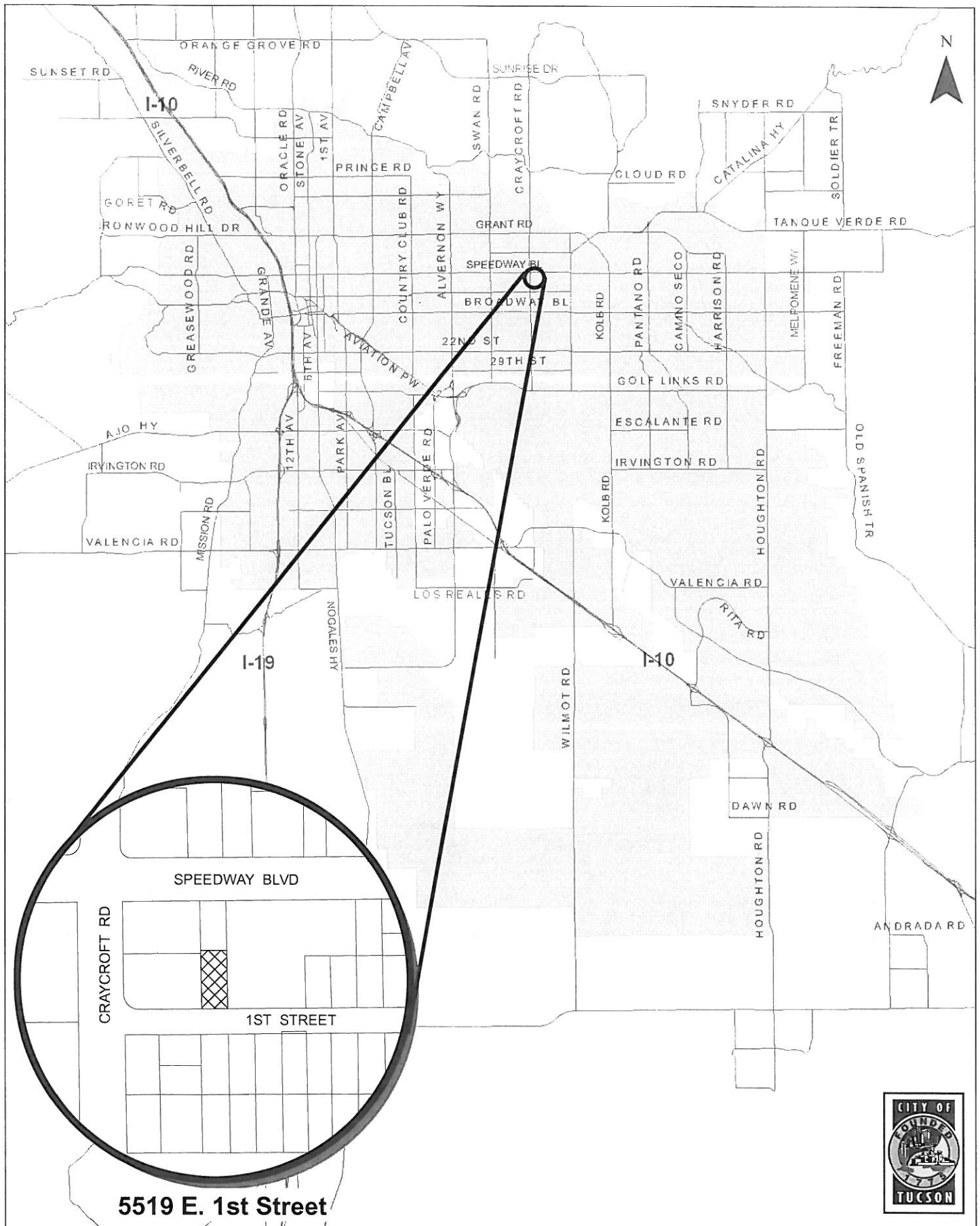
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

19. Owner/Developer shall provide landscaping on both sides of the masonry wall, all the south property line or consolidated site, and around trash enclosure area.
20. Provide root zones with a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil; 95% or greater compaction permitted if utilizing structured/engineered soil that permits compaction while development of roots.
21. Incorporate reflective, pervious paving materials in pedestrian areas and adjacent to planting areas.
22. Incorporate cool-roof-rated materials such as Energy Star rated, cool rated, green roof, or;
 - a. All roofing systems with granulated surfaces or finished roof surfaces not meeting the following criteria shall have applied white reflective roof coating unless the roof has street visibility and where roof aesthetics is a major element of the building design.
 - i. Initial Solar Reflectance Greater than or equal to 0.65
 - ii. Maintenance of Solar Reflectance Greater than or equal to 0.50 three years.
 - iii. Minimum infrared emittance to be 85% or more.

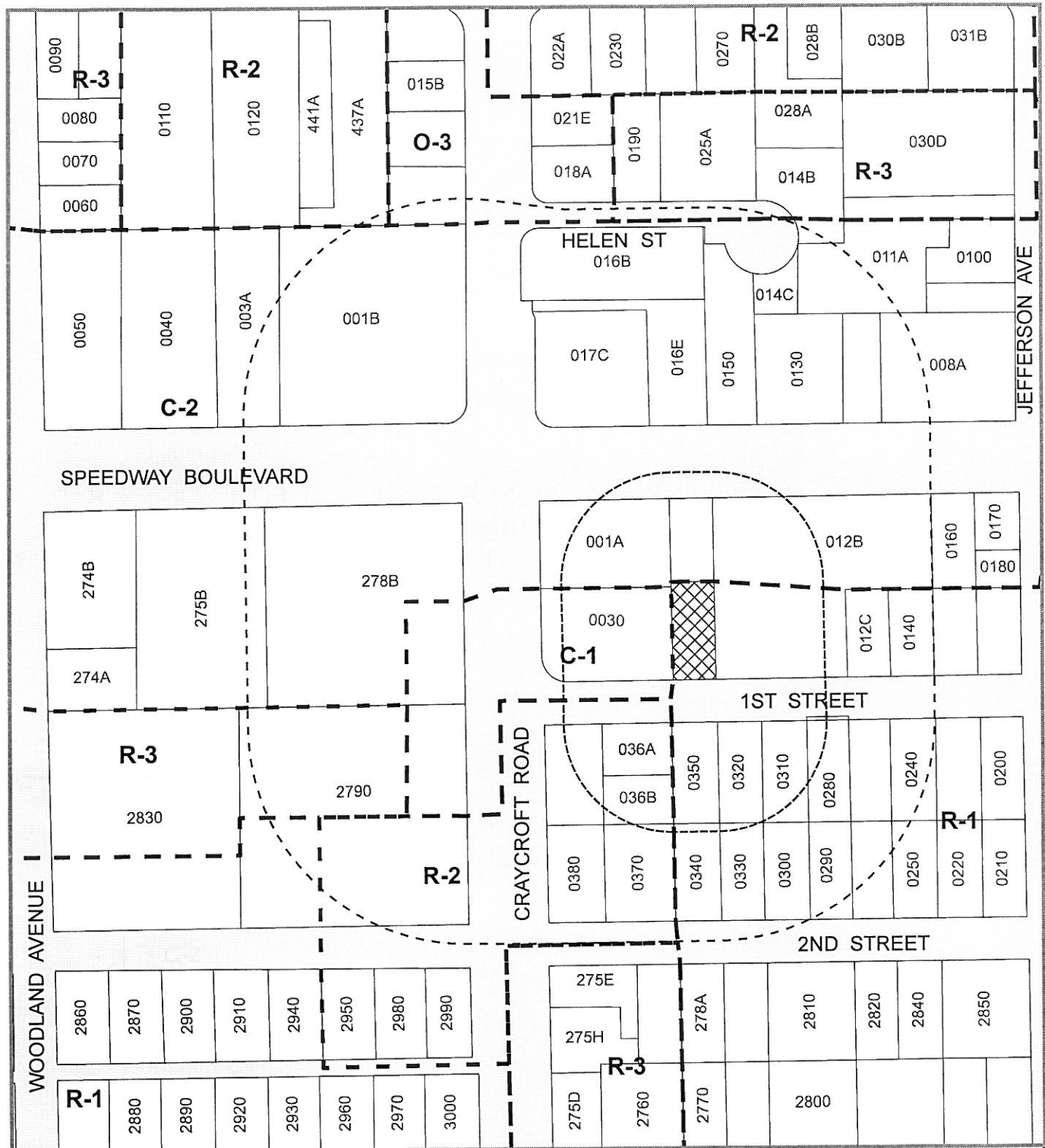
Preliminary Conditions

- iv. A Five year Manufacturer warranty for defects in materials and manufacturing is required. In addition, a five-year application warranty is required from the applicator.
- 23. The applicator shall warrant against non-compatible materials, diluted materials and insufficient mil thickness of the application.
- 24. All new roofs shall be coated in two applications at a rate of two (2) gallons per 100 S.F. per application.

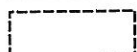
C9-11-02 Circle K - Speedway Boulevard



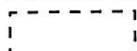
C9-11-02 Circle K - Speedway Boulevard Rezoning Request: from R-1 to C-1



Area of Rezoning Request



150' Protest Area



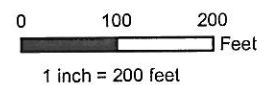
300' Notification Area



Zone Boundaries



Address: 5519 E. 1st Street
Base Maps: Sec.12 T.14 R.14
Ward: 6





Jefferson Avenue

Speedway Boulevard

1st Street

2nd Street

Craycroft Road



C9-11-02 Circle K - Speedway Boulevard
April 2011 Aerial



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 $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: **C9-11-02 Circle K – Speedway Boulevard, R-1 to C-1 (Ward 6)**

I/We the undersigned property owners, wish to

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

Reason:

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
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-11-02

Expose this flap - Affix stamp and return



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

C9-11-02

IMPORTANT REZONING NOTICE ENCLOSED

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