



MAYOR & COUNCIL COMMUNICATION

October 17, 2023

Subject: REZONING – CITY’S MANAGER REPORT ORDINANCE
ADOPTION TP-ENT-1122-000033 Sixth at Campbell PAD C-
1, R-2, and P to PAD (Ward 6)

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Issue – An ordinance is presented for Mayor and Council consideration of a request by Lazarus & Silvyn, P.C. on behalf of the property owner, Scott Cummings, S. J. Cummings Properties, to rezone approximately 2.36 acres from C-1, R-2, and P (Parking) to Planned Area Development (PAD) zoning. The rezoning site is located on the southwest corner of Sixth Street and Campbell Avenue, immediately adjacent to the University of Arizona campus which is located to the north across Sixth Street (see Case Location Maps). The preliminary development plan (PDP) proposes the development of a mixed-use, multi-story development comprised of storefront retail, commercial, and restaurant uses at the ground floor with multi-family dwelling units and/or offices above. Potential land uses permitted within the PAD could also include hotel. The proposed building heights range from 28 and 50 feet along Campbell Avenue to 70 and 80 feet moving west on the Sixth Street frontage.

City Manager's Office Recommendation – Staff recommends authorization of PAD zoning and adoption of the attached ordinance which provides conditions for the rezoning.

Zoning Examiner’s Recommendation – The Zoning Examiner held public hearings on June 29, 2023, July 13, 2023, and July 20, 2023, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of an ordinance and PAD zoning (see Attachment B).

Present Considerations – A previous PAD rezoning request for the site was denied by Mayor and Council on November 9, 2021, by a vote of 5-1. Note that per the Unified Development Code (UDC) (Section 3.5.4.F.1-1) a new request for rezoning on property previously denied for rezoning by the Mayor and Council may not be accepted for a period of one year from the date of denial. The applicant’s request has met this UDC requirement.

The project team continued to work with the community, and this new PAD request reflects their engagement and revisions to the PAD document through both the current and prior public processes (see PAD document Appendix A). It should be noted that at the final public hearing on July 20, 2023, the applicant’s representative and the Rincon Heights Neighborhood Association representative confirmed that they had reached a final agreement on all terms, and that on the condition that the agreement was executed, Rincon Heights Neighborhood Association would support the rezoning (see Attachment F).

Public Outreach – The applicant held an in-person neighborhood meeting on March 30, 2023 at the Ward 6 Council Office, with approximately 40 attendees. Issues and topics raised and covered included parking, height and stories, construction timing, rooftop amenities, number of residential units, questions as to how the revised PAD differs from the previously denied PAD, and concern about a Class 6 liquor license. Per the meeting summary, several attendees expressed support for the project.

PAD Document Overview – The Sixth at Campbell PAD proposes a PAD zoning district based on modified provisions to the OCR-1 zone in the UDC. The PAD is considered a single parcel for purposes of setbacks, building placement, permitted land uses, and other development standards. The PAD district is further divided into four sections (A, B, C, and D) with each section having its own specific development standards.

Land Uses (PAD, Part III, B.1,2, and 3):

- Permitted uses for the PAD include office, hotel, restaurant, retail, multi-family dwelling
- Excluded uses including manufacturing, automotive: all uses, animal service, restricted adult activities, all residential care services, and group dwelling.

Development Standards (PAD, Part III, C.2):

- Building Height Standards:
 - Section A Maximum Building Height 80-feet
 - Section B Maximum Building Height 70-feet
 - Section C Maximum Building Height 50-feet
 - Section D Parking Structure 28-feet
- The PAD document calls out programming by floor for each section with commercial / retail and parking uses on the lower floors, and residential, office, parking (visibility screened), and hotel on the upper floors. Hotel excluded from Sections B and C.
- Parking: The Sixth at Campbell PAD is considered by the Traffic Impact Analysis as a Transit-Oriented Development with goals of discouraging motor vehicle use with associated with parking and encouraging bicycle, public and university transit which are reflected in the parking requirements.
 - Entire PAD Vehicle Parking: Off-street Residential = min. 0.9 space per dwelling unit; Off-street Hotel = min. 0.62 space per room; All Other Uses = 1 per 400-feet.
 - Parking which is not allocated to residents or guests in the residential portion of the project may be made available as public parking.
 - Parking requirement reductions may be requested through the City’s Individual Parking Plan process (UDC 7.4.5.A). Employee parking may be provided at locations within ¼ mile of site.
 - Electric Vehicle Charging Stations will comply with adopted City requirements.
- Parking Screening: All new parking shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of parking structure walls, occupied space, display space, pedestrian arcades, substantial landscape elements or combination thereof.
- Bicycle parking: may not be reduced or eliminated and must be based on the number of motor vehicle parking spaces required as per UDC Section 7.4.8 for the proposed uses. PAD will include bike share station.
- Pedestrian Circulation: Sidewalks along Campbell and Sixth will be a minimum 8-foot wide

- Martin Avenue: Applicant to work with City, UArizona, Rincon Heights NA and other affected neighbors on the potential to close Martin Avenue and convert it to a landscaped area with bicycle and pedestrian path. If acquired, the Applicant is agreeable to being responsible for landscape upkeep and other maintenance of the amenity.
- Vehicle Access (PAD, Exhibit 7): The Concept and Circulation Plan shows three ingress/egress points along Sixth Street with one ingress/egress point from Campbell Avenue and at the alley which is to be widened to 24-foot. Access to the South Stadium Parking Garage, while still from Martin Avenue, will only be from Sixth or Campbell. The circulation created by the PAD will eliminate southbound traffic through Rincon Heights Neighborhood that is now occurring on UArizona football game days.
- Site Amenity Restrictions:
 1. No rooftop amenities are allowed on top level of Sections A, B or C.
 2. Rooftop amenities are allowed below highest level of Sections A, B, or C with the following requirements:
 - Rooftop amenities may be allowed on the top level of any floor below the top floor, such that the top floor or other screens create a solid noise screen to the adjacent neighborhoods to the south, east, and west.
 - The amenity faces north.
 - The amenity must be designed to prevent objects falling onto the pedestrian areas below.
 - No rooftop amenities on any level of Section D.
 - Rooftop amenities include pools and terrace areas.
 - Balconies or amenity terraces shall not be permitted on the south façade of any proposed development within the PAD.

Design (PAD Part III.J and K):

- Design Review Committee (DRC) shall consist of (1) applicant; (1) City of Tucson Design Professional; (1) Registered Architect; (1) Design Professional from the UArizona Planning Design and Construction Department; and (1) Representative from the Rincon Heights Neighborhood Association; (1) Registered Landscape Architect; (1) Real estate developer or person affiliated with the development industry; (1) General Contractor licensed in the State of Arizona.
- DRC will review and approve all plans and materials for future development for conformance with PAD, Part III Section 10 Design Standards.
- Provide a letter of recommendation to City of Tucson at time of any development package submittal.
- Design standards to provide a common theme and include building articulation with details at the first floor to provide interest and variety at pedestrian / street level; a single plane of façade shall be no longer than 50-feet without architectural detail; provide arcades, canopies or awnings for shade, with storefronts integrated with the sidewalk design and treatment.
- Design materials to include texture, colors, metals glass, tile, and selected with the idea of localizing the architectural effect and ambiance of surrounding area.

- Shade shall be provided for at least 50 percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is 82 degrees above the horizon. Shade can be provided by a building orientation, trees, arcades, canopies, or shade structures.

Approach to Potentially Historic Structures (PAD Part III. H.1 and 2):

- The PAD recognizes two buildings to be considered eligible for historic status – 1718 East 6th Street and 1722 East 6th Street.
- The developer is to provide a historic assessment for each of the two buildings and include an evaluation for the possibility of relocation. Results to be presented to the Tucson Historic Preservation Office with one of two recommendations 1) relocation of building to a property within Rincon Heights Neighborhood; or 2) demolition of the structure per City of Tucson requirements.
- Design constraints to mitigate PAD impact on adjacent historic neighborhoods.

Plan Tucson Consideration(s) – This item relates to the *Plan Tucson* Element of Land Use, Transportation, & Urban Design, specifically the following policy:

- LT28 – Apply Guidelines for Development Review to the appropriate Building Blocks in the Future Growth Scenario Map to evaluate and provide direction for annexations, plan amendments, rezoning requests and special exception applications, Board of Adjustment appeals and variance requests, and other development review applications that require plan compliance. The Guidelines referenced in this policy and presented in Exhibit LT-11 of *Plan Tucson* are integral to this policy and are the tools used to meet policy objectives. Apply specific plan and functional plan policies to these types of development applications.

Financial Considerations – The proposed project has been projected to generate over \$626,500 in construction sales and property taxes. It should be noted that there is no development agreement with the City that obligates the applicant to ensure these economic benefits are achieved with this project.

Operating Cost and Maintenance Input – None

Legal Considerations – Procedurally, the Mayor and Council have several alternative actions that may be taken. All actions may be accomplished by motion.

1. The Mayor and Council may approve the request for rezoning as recommended by the Zoning Examiner and adopt the ordinance.
2. The Mayor and Council may approve the request as recommended by the Zoning Examiner and adopt the ordinance with any modifications, deletions, or additions to the proposed conditions the Mayor and Council deem necessary and appropriate.
3. The Mayor and Council may remand the rezoning case back to the Zoning Examiner for a new public hearing to seek additional information.
4. The Mayor and Council may deny the request for rezoning.

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Thirty-three (33) written approvals and thirty-six (36) written protests were received for this case prior to the Zoning Examiner’s July 20, 2023, public hearing. Issues raised in protests dealt with ingress and egress traffic concerns, noise, and hours of operation for restaurants. A.R.S. § 9-462.04(H) requires a minimum of 20% protest by both area and lots to trigger a super-majority vote of the Mayor and Council, therefore, a simple majority vote will be required to adopt the attached ordinance.

Respectfully submitted,



Elizabeth Morales
Assistant City Manager

Planning & Development Services

Attachment(s):

- A – Location Maps
- B – Zoning Examiner Final Report dated August 3, 2023
- C – Planning and Development Services Report dated June 14, 2023
- D – Approval Protest Map with Attachments
- E – Preliminary Development Plan dated July 2023
- F – Cummings – Rincon Heights NA Executed Agreement Ordinance and Ordinance Map