



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 7, 2020

Title: P19RZ00013 ST. PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING

Introduction/Background:

The applicant requests to rezone approximately 0.67 acres from CB-1 Local Business to CB-2 General Business zone in St. Philips Plaza, at the SE corner of N. Campbell and E. River for outdoor amplified music events and a farmers market.

Discussion:

The applicant requests rezoning the main courtyard and farmers market area to CB-2 for outdoor commercial uses. The owner also proposes to install a professionally designed sound system for music events in the main courtyard.

Conclusion:

The rezoning to CB-2 would bring existing outdoor uses into compliance with the zoning code. The dedicated sound system would provide a means to monitor and control sound levels and reduce fugitive noise escaping from the site disturbing surrounding neighborhoods.

Recommendation:

Staff and the Planning and Zoning Commission recommend approval of the rezoning subject to standard and special conditions.

Fiscal Impact:

n/a

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services

Telephone: 724-8800

Contact: Mark Holden, Principal Planner

Telephone: 724-6619

Department Director Signature/Date:

[Signature] 3/12/2020

Deputy County Administrator Signature/Date:

[Signature] 3/13/2020

County Administrator Signature/Date:

[Signature] 3/16/20



TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Deputy Director *Tom Drago*
Public Works-Development Services Department-Planning Division

DATE: March 6, 2020

SUBJECT: **P19RZ00013 ST. PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, APRIL 7, 2020** hearing.

REQUEST: For a **rezoning** of approximately 0.67 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone, on portions of properties with parcel codes 108-18-7060 and 108-18-7080, located about 400 feet southeast of the intersection of N. Campbell Avenue and E. River Road.

OWNERS: St. Philips Plaza LLC
4280 N. Campbell Avenue
Tucson, AZ 85718-6594

AGENT: MJM Consulting, Inc.
Attn: Michael J. Marks, AICP
6401 E. Shepherd Hills Drive
Tucson, AZ 85710

DISTRICT: 1

STAFF CONTACT: Mark Holden, Principal Planner

PUBLIC COMMENT TO DATE: As of March 6, 2020, staff has received one comment from a nearby neighborhood association in support of the rezoning.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (9 – 0, Commissioner Hook was absent).

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (CLS).

TD/MH/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P19RZ00013

Page 1 of 3

FOR APRIL 7, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director *Tom Draegowski*
Public Works-Development Services Department-Planning Division

DATE: March 6, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P19RZ00013 ST. PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING

Request of St. Philips Plaza LLC, represented by MJM Consulting, Inc., for a **rezoning** of approximately 0.67 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone, on portions of properties with parcel codes 108-18-7060 and 108-18-7080, located about 400 feet southeast of the intersection of N. Campbell Avenue and E. River Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Community Activity Center land use. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Hook was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (February 26, 2020)

Staff presented information about the proposed rezoning to the commission, and explained the owners' desire to bring the existing uses (amplified outdoor music, farmers market) into compliance with the zoning code. A commissioner asked about the mixed zoning on the site and if new construction is proposed; staff responded no new construction is planned. The commissioner asked how the issues were brought to staff's attention; staff stated that the owner contacted the department proactively regarding addressing neighbor complaints about noise. The commissioner followed up to ask if a music venue is being constructed; staff stated that there is a stage in the main courtyard only. The commissioner asked about the possibility of requesting a variance for the uses; staff responded that the outdoor commercial uses are more aligned with CB-2 zoning.

The applicant was asked to address the commission. The applicant was present with the plaza owner, the manager of the restaurants, and the sound engineer. The applicant stated that the two reasons for the rezoning request was for the noise issue from the live music events and the farmers market. The applicant said that the sound engineer found the noise level of the music to be roughly

equivalent to the amount of traffic noise on N. Campbell Avenue, and that the engineer would design a sound system that the restaurant manager can set and monitor the volume of bands playing in the courtyard. The applicant stated that the neighborhood association representative who complained about the noise was present and is in support of the proposed rezoning.

A commissioner requested to speak to the sound engineer about the sound system; the engineer explained the set-up of the sound system to focus sound into the courtyard, and how the sound from the plaza is concentrated down the Rillito River to the neighborhoods on the other side of the river due to metrological effects. The commissioner asked who will have ultimate control of the sound system; the engineer stated that it will be someone from the restaurants, but there will be testing of the sound system to reduce noise escaping the courtyard. A commissioner asked if bands with horns would make more noise; the engineer said that the system will be controlled by the restaurant manager, and single musicians playing louder would reduce the sound quality of the band as a whole. Staff added that the new sound system will monitor the amount of sound leaving the site, and that the noise levels imposed by rezoning conditions would be used to enforce excessive sound leaving the site.

The commission opened the public hearing. The neighborhood association representative who collated noise complaints spoke, detailing where noise that generates complaints originates in their neighborhood. Regarding noise from the plaza, she contacted the county and discovered that the music and farmers market uses were not in compliance with the code, and she feels that the installation of a dedicated music system will help to reduce complaints. She added that a similar system would be helpful at the county's facility at Rillito Park.

A commissioner asked the engineer how the sound system would control the sound traveling down the Rillito, even if music is muted; the engineer explained the difference between regular background noise (e.g. traffic) and the irregular nature of music, and how our brains tend to pick out the latter, and that noise levels are affected by metrological conditions along the Rillito River, but if sound level of music is lowered enough, our brains don't pick out the noise.

No one else requested to speak and the commission closed the public hearing.

Commissioner Gungle made a motion to recommend **APPROVAL subject to standard and special conditions**; Commissioner Tronsdal seconded.

A commissioner stated that he lives in the neighborhood and supports the rezoning. A commissioner asked if the noise levels for music events should be formalized in the zoning code; staff responded that we will monitor the success of this system and determine if that is necessary.

Upon a voice vote, the motion to recommend **APPROVAL subject to standard and special conditions** passed (9-0; Commissioner Hook was absent):

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. CB-2 General Business uses shall be restricted to outdoor amplified live music venue (in Area 1-Courtyard only) and farmers market (on all CB-2 areas on the property); all CB-1 Local Business uses shall be permitted.
2. The amplified sound generated by the live outdoor music events shall be managed by a dedicated audio system to be installed, owned and operated by the plaza owner or their agent for the purposes of a consistent and metered sound level.

3. The dedicated audio system shall be designed and operated to focus its sound within the courtyard and to minimize sound propagation to off-site areas.
4. The sound generated by live outdoor music events shall not exceed 65 dBs between 7:00 AM and 10:00 PM and 58 dBs between 10:00 PM and 7:00 AM, as measured at the perimeter of the St. Philips Plaza property.
5. Adherence to the sketch plan as approved at public hearing.
6. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134."
7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

TD/MH/ar
Attachments

cc: St. Philips Plaza LLC, 4280 N. Campbell Avenue, Tucson, AZ 85718-6594
MJM Consulting, Inc., Attn: Michael J. Marks, AICP, 6401 E. Shepherd Hills Drive
Tucson, AZ 85710
Tom Drzazgowski, Chief Zoning Inspector
P19RZ00013 File

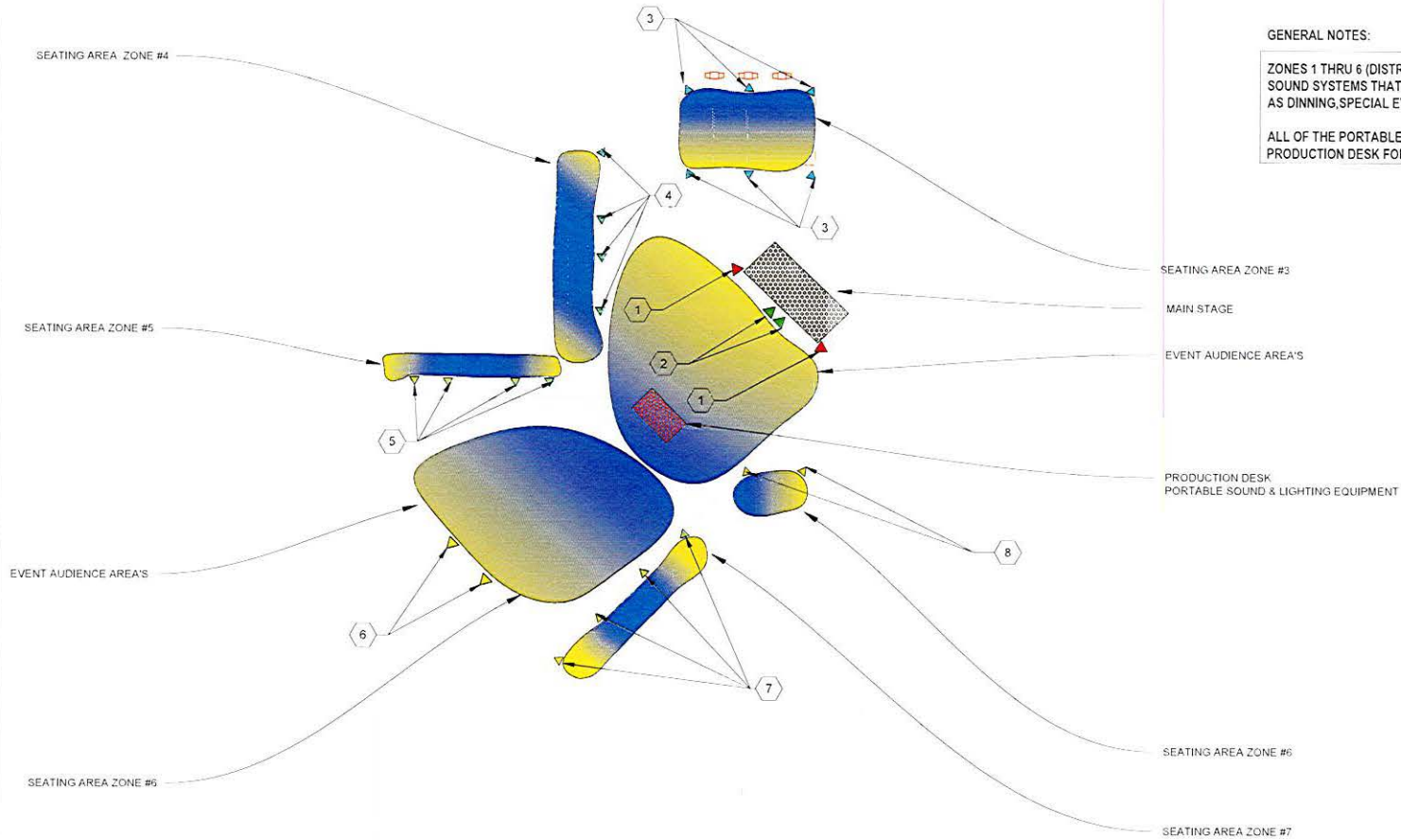
KEY NOTE

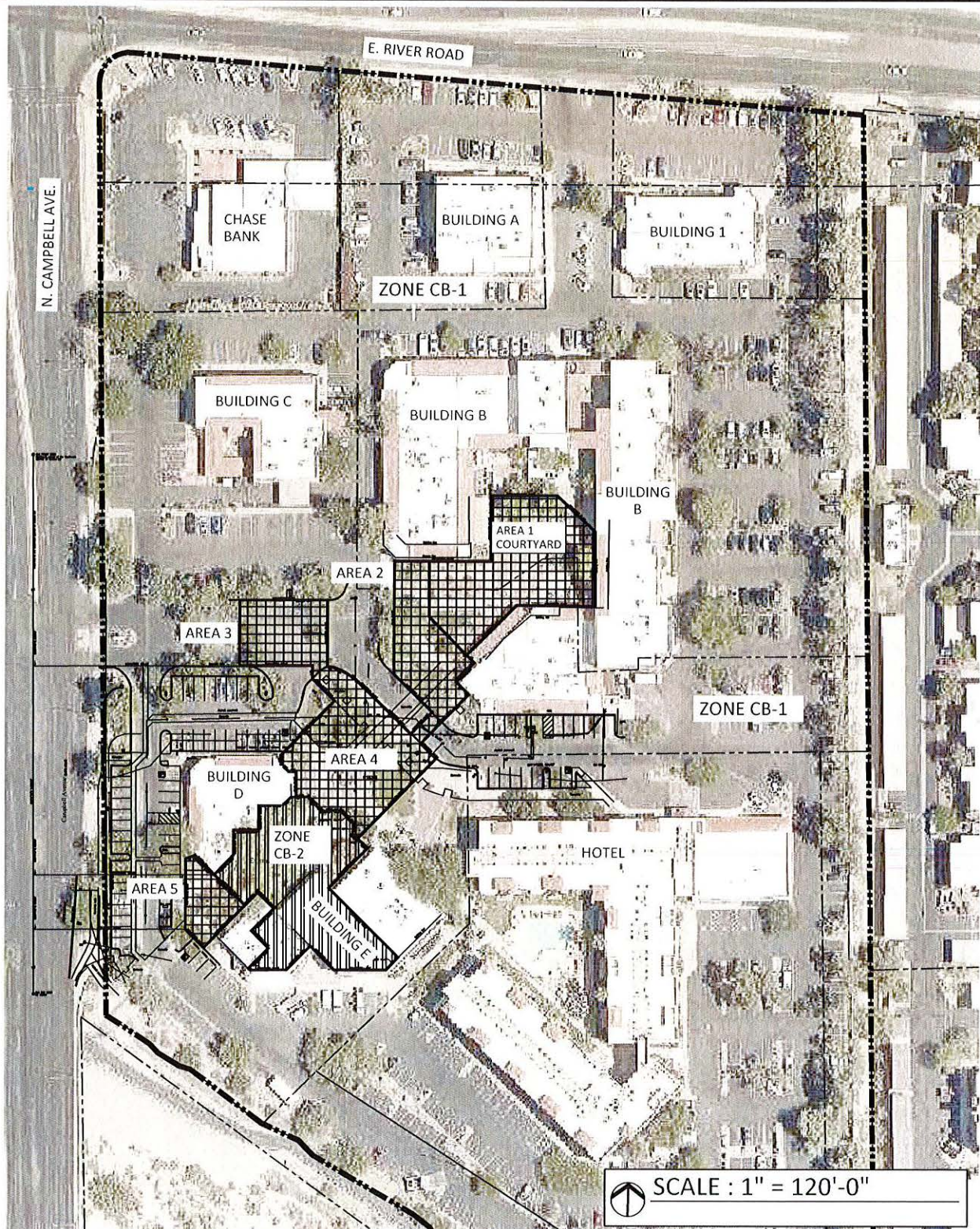
1	MAIN STAGE SPEAKER CLUSTER	LINE ARRAY SPEAKER CLUSTERS
2	SUB WOOFERS	IN CONCRETE SOFFITS UNDER STAGE
3	DISTRIBUTED SYSTEM	ZONE #1
4	DISTRIBUTED SYSTEM	ZONE #2
5	DISTRIBUTED SYSTEM	ZONE #3
6	REAR FILL SPEAKERS	ZONE #4
7	DISTRIBUTED SYSTEM	ZONE #5
8	DISTRIBUTED SYSTEM	ZONE #6

GENERAL NOTES:

ZONES 1 THRU 6 (DISTRIBUTED SYSTEMS) ARE SEPARATE NETWORK CONTROLLED SOUND SYSTEMS THAT CAN BE PROGRAMMED FOR VARIOUS SYSTEM DEMANDS, SUCH AS DINNING, SPECIAL EVENTS AND CONCERTS.

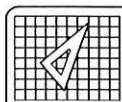
ALL OF THE PORTABLE SOUND AND LIGHTING EQUIPMENT WILL BE LOCATED AT THE PRODUCTION DESK FOR CONCERT OR SPECIAL EVENT SETUPS.





SITE ADDRESS:

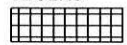
ST. PHILIPS PLAZA
4280 N. CAMPBELL AVE.
PIMA COUNTY, AZ



VVC DESIGN
ARCHITECT
1920 W. CASSIDY LN
TUCSON AZ 85704 (520)575-7040

AREA CALCULATIONS:
COURTYARD (AREA #1) = 10,851 SQ.FT.
FARMERS MARKET (AREAS 2-5) = 18,488 SQ.FT.
TOTAL = 29,339 SQ.FT. = 0.67 ACRES

LEGEND



AREA OF PROPOSED
CB-2 ZONING



AREA OF EXISTING
CB-2 ZONING



OVERALL ST. PHILIPS PLAZA
BOUNDARIES

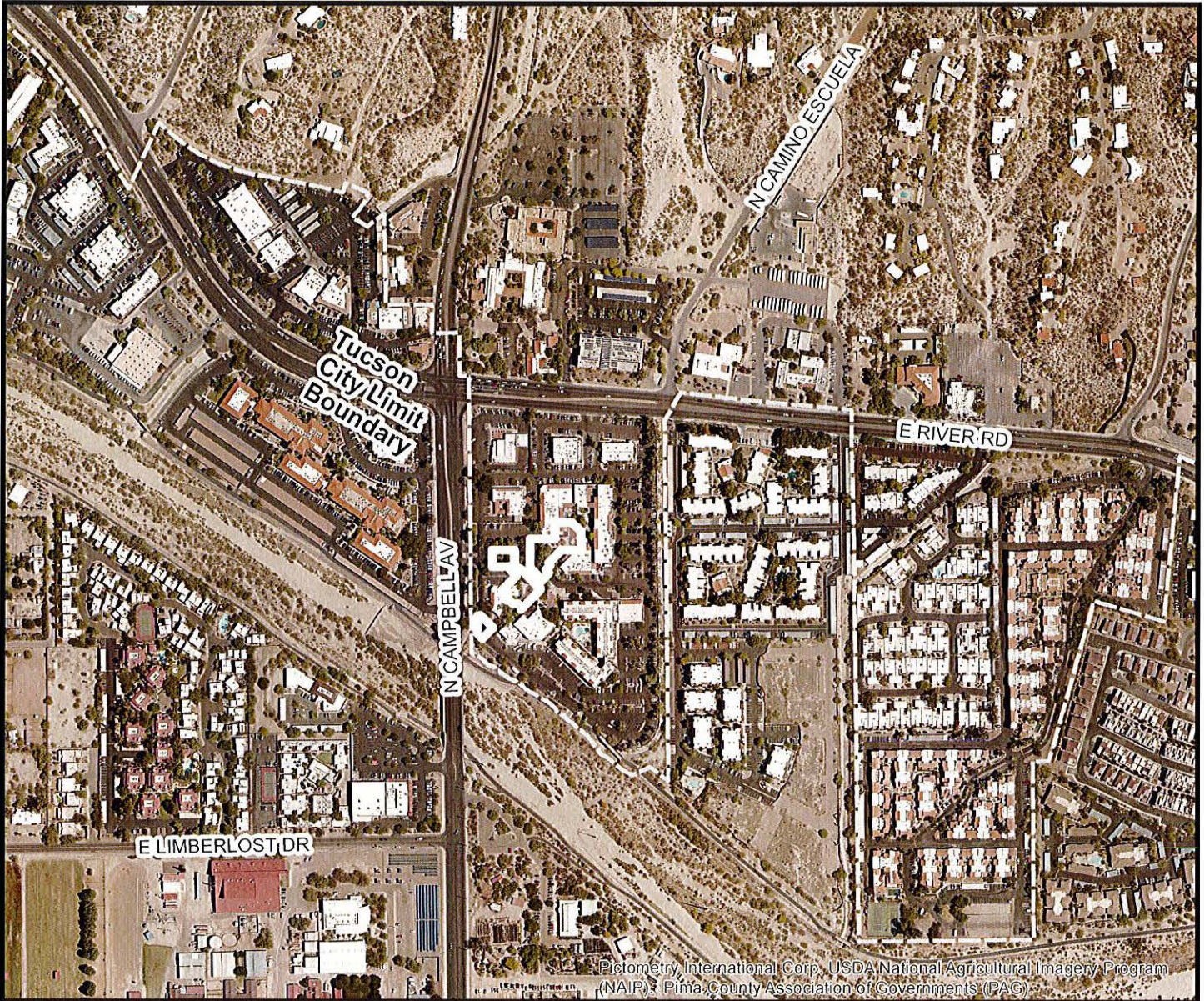
SKETCH PLAN FOR THE ST. PHILIPS PLAZA CB-2 REZONING

PREPARED: 01-27-2020

Case #: P19RZ00013

Case Name: ST PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING

Tax Code(s): Portions of 108-18-7060 & 108-18-7080



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

Map Scale: 1:6,000

Map Date: 1/30/2020 - ds



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

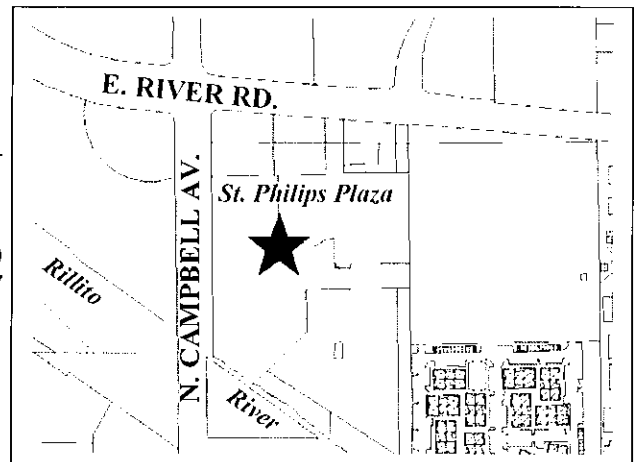
HEARING February 26, 2020

DISTRICT 1

CASE P19RZ00013 St. Philips Plaza LLC -
N. Campbell Avenue Rezoning

REQUEST Rezone from CB-1 (Local Business)
to CB-2 (General Business) (0.67
acres)

OWNER St. Philips Plaza LLC
4280 N. Campbell Avenue
Tucson, AZ 85718-6594



APPLICANT MJM Consulting, Inc.
Attn: Michael J. Marks, AICP
6401 E. Shepherd Hills Drive
Tucson, AZ 85710

APPLICANT'S PROPOSED USE

"The proposed CB-2 rezoning of the Courtyard area shall result in the continued restaurant patio seating... plus Outdoor Live Music Performances [and] the proposed CB-2 rezoning of the Farmers Market area shall result in the continued Farmers Market use..."

APPLICANT'S STATED REASON

"Both the amplified live music in the Courtyard and the Farmers Market elsewhere in the Plaza are considered amenities that satisfy a desire of the Plaza patrons. The music attracts patrons to the restaurants and provides a good reason for them to stay and to spend more time in the restaurant. The Farmers Market provides a community gathering place, where one can just walk around and see others and things for sale, as well as to purchase things often not found in the typical retail store."

STAFF REPORT SUMMARY

The Development Services Department recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The St. Philips Plaza owner proposes to have a dedicated audio system professionally installed for live outdoor music performances to improve sound quality in the courtyard, reduce fugitive noise, and allow for monitoring of sound levels to thresholds determined by Planning staff based on code. The farmers market may continue in compliance with the zoning code.

PUBLIC COMMENT

As of the writing of this report, staff has not received written public comments.

COMPREHENSIVE PLAN

The Pima County Comprehensive Plan land use designation on the subject property is Community Activity Center (CAC), which designates medium and higher intensity mixed use

districts to provide a full range of goods and services (office and medical uses, hotel, research and development facilities, educational and institutional uses), and compatible medium to higher density housing. Individual rezoning requests in CAC need not be mixed use projects, but should demonstrate how the request serves to create or enhance the mixed use character of the center as a whole.

The rezoning site is covered under Special Area Policy S-2 Catalina Foothills, which limits construction of buildings to a maximum of 24 feet in height unless specific authorization is obtained by the Board of Supervisors.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CB-1	Bank / Office / Services (fitness center, day spa)
	CR-1	St. Philips in the Hills Episcopal Church
	TR	Office
South:	CB-1	Hotel
	SR (Tucson)	Rillito River / Huckelberry Loop Trail
East:	R-3 (Tucson)	High density residential
West:	C-1 (Tucson)	Office

The areas to the south, east and west of the rezoning site were annexed by City of Tucson. The region around Campbell Avenue and River Road is a mix of commercial services, restaurants, offices, hotels, post office, churches, and high density residential. The Huckelberry Loop Trail and Rillito River are further to the south, and the land use further north of River Road is generally single family residential.

PREVIOUS REZONING CASES ON PROPERTY

The rezoning site and surrounding properties are part of the Catalina Foothills Zoning Plan (Co13-59-004), ultimately zoned for CB-1 which were rezoned incrementally through individual cases between 1955 and 1982 (Co9-62-048, Co9-78-166, Co9-82-108). A 0.28-acre portion of the site was rezoned from CB-1 to CB-2 in 2005 (Co9-05-014) for a Class 6 Liquor License at an existing restaurant with a bar around the smaller southwestern courtyard.

PREVIOUS REZONING CASES IN GENERAL AREA

The area north of the Rillito River in this region is covered under the Catalina Foothills Zoning Plan, one of two remaining valid zoning plans in the county. There were regular incremental rezonings in the Campbell and River region to higher intensity zoning (TR, CB-1, CB-2) from the mid-1950s through the mid-1980s. The surrounding areas were annexed by the City of Tucson between 1989 and 2000.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM

The rezoning site is outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff supports the rezoning request to permit outdoor activities (outdoor amplified music, farmers market) under the CB-2 zone at St. Philips Plaza. The rezoning area comprises about 0.67 acres in the central area of the plaza, on two parcels of about 7.2 acres in area. The outdoor music and farmers market have been occurring for some time, and the proposed rezoning would bring these uses into compliance with the zoning code. The site is fully developed under approved development plans from 1985 and 1986 and the rezoning request proposes no new construction or development.

The location of the outdoor amplified music venue within the central courtyard is about 15,000 square-feet in area and opens to the southwest but is otherwise surrounded by one- and two-story buildings. The courtyard is about 250 feet from the hotel to the south, 350 feet from the nearest residences to the east, and about a quarter-mile from the residences to the southwest (across the Rillito River). The amplified live music in the courtyard has drawn complaints from neighbors to the southwest.

The farmers market area includes the central courtyard as well as the smaller southwestern courtyard, sidewalks, parking, and public gathering areas surrounding existing buildings. The farmers market has been conducted on-site for years without complaint; however, it is also being included in the rezoning request to bring the use into compliance with the zoning code.

Most of the plaza is zoned CB-1, which generally permits retail sales, services, other indoor commercial uses, and restaurants with a bar and outdoor seating. While outdoor amplified music venue and farmers market are not specifically listed as permitted uses under CB-2 zoning, the zone permits similar non-expressed commercial uses that are not expressly permitted in any other commercial zone, and which are not otherwise unlawful or injurious to the general health and welfare. CB-2 is the appropriate zone for outdoor amplified music and farmers market.

A local firm conducted acoustic measurements for three-hour periods (5:00 PM – 8:00 PM) over two Saturday evenings (December 21, 2019 and January 4, 2020) with a live band performing in the central courtyard on the first evening only. Measurements were recorded at the southwestern end of the plaza within line-of-sight of the stage (about 500 feet away) and about 35 feet away from Campbell Avenue. Comparisons of the sound level of the live band performance to that of Campbell Avenue traffic at that location found no significant differences in sound levels over both evenings, and the live music had a lower overall sound level than that of the traffic (from *Comparison of Sound Pressure Levels - St. Philips Plaza Courtyard Stage and Campbell Avenue*, Spendiarian & Willis Acoustics & Noise Control LLC, January 11, 2020, excerpted below).

The propensity for sound to carry from the courtyard is dependent on myriad factors: building size and orientation, weather and atmospheric conditions, topography and vegetative cover, other background noise (especially traffic), and specific sound systems, to name a few. To date, all performers in the St. Philips Plaza courtyard have provided their own varied sound systems. The plaza owner proposes to install a dedicated audio system that will be designed to better focus the music within the main courtyard, minimize escaping sound, and consistently monitor and control the sound level of performers. Sound levels will also be restricted to not exceed 65 dBs during daytime hours (7:00 AM to 10:00 PM), and 58 dBs at night (10:00 PM to 7:00 AM), as measured at the perimeter of the plaza property (65 dB is daytime noise restriction measured at property line under Chapter 18.39 General Commercial Standards).

The plaza owner's contractor has provided a conceptual plan (attached below) for the dedicated audio system that details how music will be focused into the courtyard, fugitive noise will be reduced, and sound levels will be met. The system provides a central control desk and divides the courtyard into zones with separate speakers – the owner will have the ability to program and control each zone separately and monitor the sound level of bands playing in the courtyard.

Concurrency of Infrastructure

The rezoning proposes no new development of structures or improvements (except a permanent courtyard stage and new sound system), nor infrastructure impacts, nor increases in customers, employees or parking facilities. As such, no impacts to infrastructure are anticipated if the rezoning is approved and concurrency is expected to be met.

TRANSPORTATION REPORT

The department has no objection to the proposed rezoning request.

FLOOD CONTROL REPORT

The district has reviewed the rezoning request and has no objection.

WASTEWATER RECLAMATION REPORT

All the connections to the public sewer are existing; no new connections are proposed. The department has no objection to the proposed rezoning request.

ENVIRONMENTAL QUALITY REPORT

The department has no comments or objections to this project.

CULTURAL RESOURCES REPORT

The division has no comments.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

The rezoning site is just north of the Rillito River Park (Huckelberry Loop hard surface trail), which could be used to access the farmers market or outdoor music events on the site. As these uses have been on-going at the plaza for some time, the rezoning will likely not contribute to additional use of or traffic on the trail.

CITY OF TUCSON PLANNING AND DEVELOPMENT SERVICES REPORT

St. Philips Plaza has been the topic of annexation discussions. One of the issues identified was the translation of the existing Pima County Zoning, upon annexation, to City of Tucson Zoning and the prohibition of outdoor music in the Tucson C-1 zone due to the property's proximity to residences. It appears this rezoning is an effort to address this issue.

The area within the City is currently a dynamic mix of high-density residential, commercial and office uses. The areas proposed for rezoning are bounded roughly by Campbell Avenue, an arterial roadway on the west, and the Rillito River on the south. Structures within St. Philips Plaza effectively screen properties to the north, across River Road, and those to the west.

Plan Tucson, the City's General and Sustainability Plan, identifies the rezoning site as a Potential Annexation Area.

Considering the requested rezoning appears to be to position the plaza for annexation, by addressing the outdoor music issue, and while the applicant has proposed noise studies and noise standard for the plaza, the City recommends any rezoning condition related to sound volume require the plaza activities be subject to Chapter 16-31 Excessive Noise of the Tucson Code. Pima County may also choose not to impose a noise condition on the rezoning, thereby allowing the City to impose its noise ordinance on the site.

The City Code limits noise:

- (a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in the table below. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

	Use of Property Receiving the Sound	
	7:00 AM - 10:00 PM	10:00 PM - 7:00 AM
Residential	70 dB	62 dB
Commercial	72 dB	65 dB
Industrial	85 dB	70 dB

TUCSON WATER REPORT

Tucson Water has no exception to nor has any comments pertaining to the proposed rezoning.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service had no comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. CB-2 General Business uses shall be restricted to outdoor amplified live music venue (in Area 1-Courtyard only) and farmers market (on all CB-2 areas on the property); all CB-1 Local Business uses shall be permitted.
2. The amplified sound generated by the live outdoor music events shall be managed by a dedicated audio system to be installed, owned and operated by the plaza owner or their agent for the purposes of a consistent and metered sound level.
3. The dedicated audio system shall be designed and operated to focus its sound within the courtyard and to minimize sound propagation to off-site areas.
4. The sound generated by live outdoor music events shall not exceed 65 dBs between 7:00 AM and 10:00 PM and 58 dBs between 10:00 PM and 7:00 AM, as measured at the perimeter of the St. Philips Plaza property.
5. Adherence to the sketch plan as approved at public hearing.
6. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.
7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Mark Holden", with a horizontal line extending to the right.

Mark Holden, AICP
Principal Planner

cc: Michael J. Marks, AICP

SELBY – ST PHILLIPS REZONING SOLUTIONS TO THE NOISE ISSUE

Prepared on January 14, 2020

BACKGROUND

The Spendiarian & Willis Acoustics & Noise Control LLC report entitled 'Comparison of Sound Pressure Levels – Saint Philips Plaza Courtyard Stage and Campbell Avenue' finds that the existing noise conditions during the live music events do not exceed the noise levels created by traffic in Campbell Avenue, as measured at the southwest corner of the St. Phillips property. Nonetheless, methods can be implemented that will reduce the sound from these musical events.

NOISE ISSUES AND SOLUTIONS

1. Audio System to Manage Consistent & Appropriate Volume

The Issue

- Currently each performing band uses its own sound system and operates that sound system on its own.

The Proposed Change

- The Plaza Owner or the Owner of the 3 affected restaurants will purchase and install a dedicated sound system and will control the operation of that sound system, creating a consistent & responsible application. The volume of sound will be managed to ensure that the sound generated by the live music will be within the legal and reasonable limits in the surrounding areas.

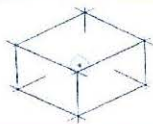
2. Dedicated Audio System to Manage the Impact of the Sound

The Issue

- The neighbors may perceive a noise nuisance generated from the live music performances within the Plaza even if the measured noise level is within the legal limits.

The Proposed Change

- The Owner owned and operated sound system will be designed to satisfactorily reduce this problem.
- In addition, the dedicated live music audio system will be specifically designed to focus its output onto the audience areas within the courtyard. As a result, the sound that exits the courtyard will be minimized and the noise impacts will be reduced.



Spendiarian & Willis Acoustics & Noise Control LLC

The Form and Function of Sound

(520) 623-6003

AcousticalNoise.com

4335 N Alvernon Way, Tucson, AZ 85718

Comparison of Sound Pressure Levels

**Saint Philips Plaza Courtyard Stage and
Campbell Avenue**

Prepared for

Union LLC

4340 North Campbell Avenue

Tucson, AZ 85718

Project Manager

Grant Krueger

Lance Willis, PhD

© Spendiarian & Willis Acoustics & Noise Control LLC

R. 0, January 11, 2020

1. Summary

Acoustical measurements were performed as directed by the Pima County Planning Department near the southwest property line of the Saint Philips Plaza on December 21, 2019 and January 4, 2020. The sound pressure levels produced by a live band performance on the temporary stage in the plaza courtyard were compared to the traffic noise from Campbell Avenue. Little difference was seen between the measurement with a live performance occurring in the Saint Philips Plaza courtyard and the traffic noise from Campbell Avenue alone. In both measurements the primary sound source was Campbell Avenue.

2. Acoustical Measurements Description and Results

2.1 Test Description

2.1.1 Purpose

Acoustical measurements were performed as directed by the Pima County Planning Department near the southwest property line of the Saint Philips Plaza to compare the sound pressure levels produced by live band performances to the traffic noise on Campbell Avenue.

2.1.2 Measurements and Equipment

Sound pressure data was logged with an NTi XL2 Type I integrating sound level meter. Simultaneous, calibrated digital recordings were also made of events exceeding 75 dBA by the meter to document existing sound sources. The microphone height was 55 inches. A three inch diameter wind screen was placed over the microphone.

Meteorological observations were made on the site during the time of the acoustical measurements using a Kestrel 4500 weather station. Temperature, humidity, wind, and pressure data were logged every 20 seconds. This data is displayed in the Appendix.

2.1.3 Measurement Locations

The measurement locations for the sound level meter (SLM) and weather station are shown in Figure 2.1. The weather station was set up in the southernmost parking space in the west row adjacent to Campbell Avenue.

The sound level meter was placed 34 feet from the wall at the entrance to the plaza and 27 feet from the side of the bridge on Campbell Avenue spanning the Rillito River (Figure 2.2), roughly 550 to 600 feet from the stage in the courtyard. This location was selected to achieve the most direct line of sight to the stage area in the plaza courtyard while avoiding ingress and egress to the plaza and the public right of way of the River Walk. Measurements taken at the plaza wall would result in bias due to reflections from the wall and shielding of either the courtyard or the roadway by the wall. A measurement location farther to the east would be shielded from the stage area by buildings at the plaza. The only line of sight access to the stage area was through the gateway at the plaza entrance facing the River Walk. Regular foot and bicycle traffic through this entrance made it an untenable location to set up the sound level meter. Therefore, a test location was chosen outside the wall where neither the stage area or the roadway was shielded.

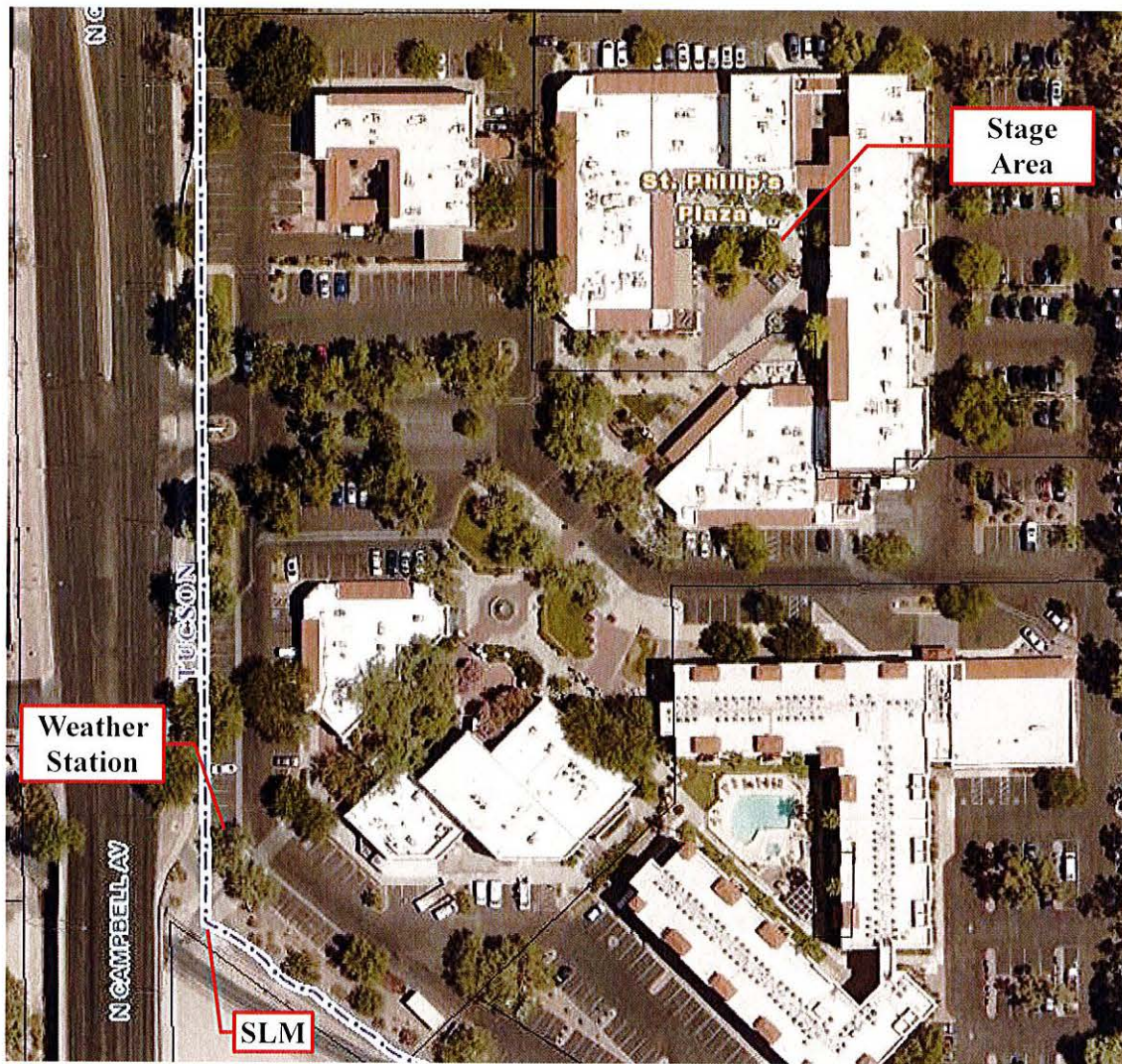


Figure 2.1. Measurement Locations



Figure 2.2. Sound Level Meter at Entrance to Saint Philips Plaza

2.1.4 Meteorological Conditions

The measurements were carried out on two Saturdays from 5:00 pm to 8:00 pm, December 21, 2019 and January 4, 2020. The winds were calm on both occasions. See the Appendix for complete meteorological data.

2.2 Test Results

2.2.1 December 21, 2019

On this date a live band was performing on the stage in the plaza courtyard from 5:00 pm until 8:00 pm. The band took approximately 15 minute breaks at 6:00 pm and 7:00 pm. The sound system appeared to consist of two full range cabinets placed on the stage on either side of the performers and one subwoofer placed on the ground next to the stage. The ensemble was a typical band setup with bass, trap set, electric guitar, keyboards, and vocals.

The primary sound source during the measurement was traffic noise on Campbell Avenue. River Road did not contribute to the measurement. Table 2.1 shows that the A-weighted equivalent-continuous sound pressure level (LAeq) for each hour was near 65 dBA. The fast exponential time weighted sound pressure level rarely exceeded this level as indicated by LAF10 and the background noise level was near 60 dBA according to the LAF90 values. Two ambulances passed by on Campbell Avenue. Both events produced a maximum LAF over 94 dBA during the 5:00 pm and 7:00 pm hours.

Start Time	End Time	LAeq	LAFmin	LAFmax	LAF10	LAF50	LAF90
17:00:00	18:00:00	65.7	50.5	94.5	66.7	64.1	59.5
18:00:00	19:00:00	64.6	51.8	74.6	66.8	64.3	60.0
19:00:00	19:57:38	66.4	49.5	94.7	66.9	64.1	59.9

Table 2.1. A-weighted Hourly Sound Pressure Levels December 21, 2019

The live performance did not contribute significantly to the LAeq measurement. During lulls in the traffic on Campbell Avenue it was estimated that the sound pressure level produced by the band was roughly 55 dBA, not exceeding 58 dBA at this location.

2.2.2 January 4, 2020

There were no live performances or amplified music in the plaza courtyard during the time of this test.

The primary sound source during the measurement was traffic noise on Campbell Avenue. River Road did not contribute to the measurement. Table 2.2 shows that the A-weighted equivalent-continuous sound pressure level (LAeq) for each hour was near 65 dBA. On this evening the LAeq followed the expected trend of decreasing slightly later in the evening. The traffic volume was also notably less after the expected peak hours in comparison to the December 21 measurement and there were no emergency vehicle passbys on Campbell Avenue during testing.

The fast exponential time weighted sound pressure level rarely exceeded the LAeq level as indicated by LAF10 and the background noise level was again near 60 dBA as seen in the LAF90 values. The maximum fast exponential time weighted sound pressure level (LAFmax) varied from 76.0 to 83.2 dBA and was the result of loud exhaust systems on several passing vehicles on Campbell Avenue.

Start Time	End Time	LAeq	LAFmin	LAFmax	LAF10	LAF50	LAF90
17:00:00	18:00:00	65.5	52.5	83.2	67.9	64.7	59.4
18:00:00	19:00:00	64.9	51.5	76.0	67.3	64.4	60.1
19:00:00	20:00:00	63.9	52.3	80.7	66.7	63.0	57.7

Table 2.2. A-weighted Hourly Sound Pressure Levels January 4, 2020

3. Conclusions

Acoustical measurements were performed as directed by the Pima County Planning Department near the southwest property line of the Saint Philips Plaza. The sound pressure levels produced by a live band performance were compared to the traffic noise from Campbell Avenue.

No significant differences were found in the two data sets, one measured on December 21, 2019 with live performance in the Saint Philips Plaza courtyard and the other on January 4, 2020. In both measurements the primary sound source was Campbell Avenue. The live music was roughly estimated to produce an A-weighted equivalent-continuous sound pressure level of 55 dBA. This was approximately 10 dBA less than the roadway noise at this location.

The slightly lower A-weighted equivalent-continuous sound pressure levels in the later periods of the traffic only control measurement on January 4 were the result of a noticeably decreasing traffic volume and the absence of emergency vehicles that passed by during the live band performance. It is possible that there may have been an atypical traffic pattern on December 21 due to the holidays with a higher traffic volume after the usual peak hours.

CONCEPTUAL SOUND SYSTEM PLAN - St. Philips Plaza Courtyard

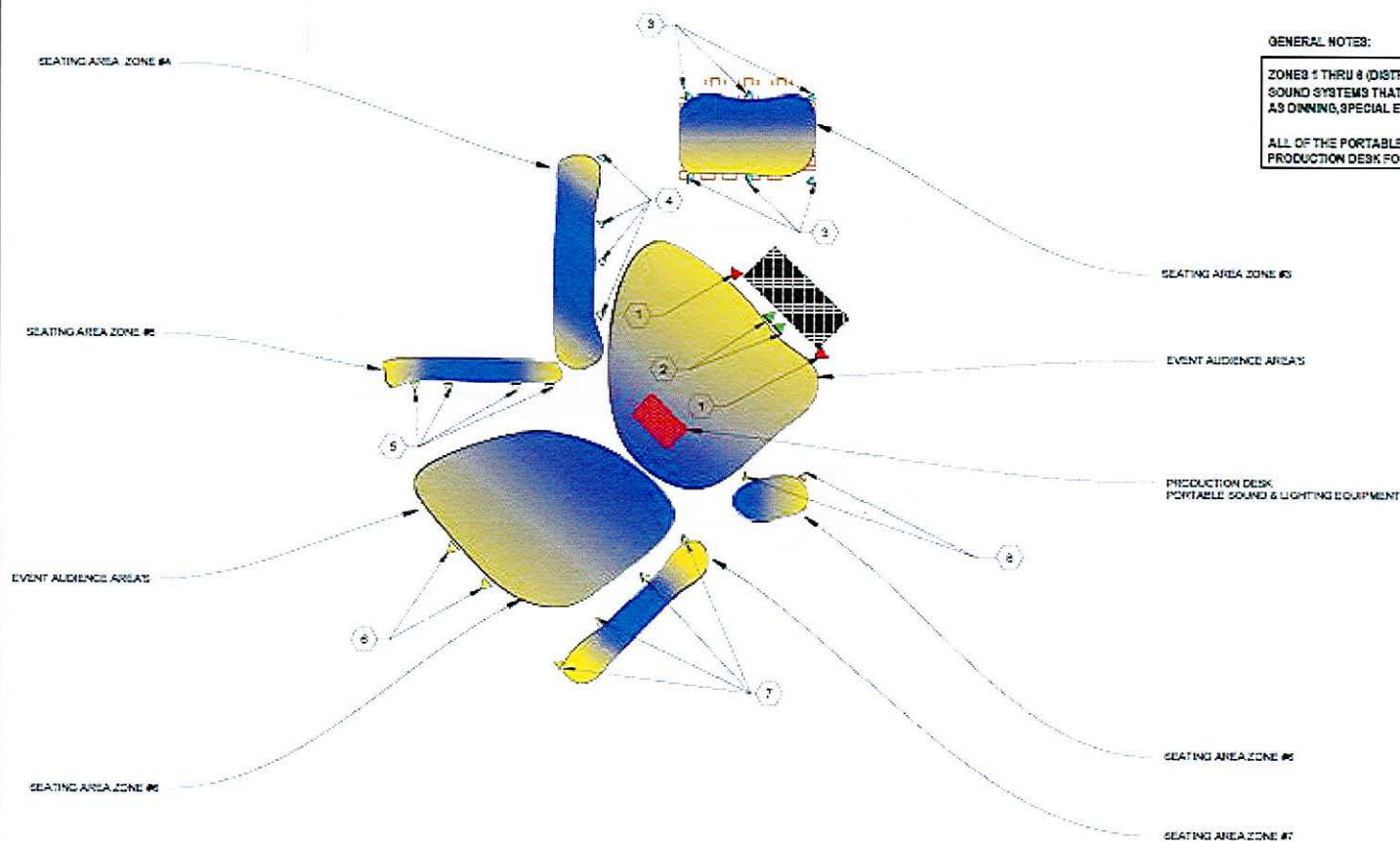
KEY NOTE

1	MAIN STAGE SPEAKER CLUSTER	LINE ARRAY SPEAKER CLUSTERS
2	SUB WOOFERS	IN CONCRETE SOFFITS UNDER STAGE
3	DISTRIBUTED SYSTEM	ZONE #1
4	DISTRIBUTED SYSTEM	ZONE #2
5	DISTRIBUTED SYSTEM	ZONE #3
6	REAR FILL SPEAKERS	ZONE #4
7	DISTRIBUTED SYSTEM	ZONE #5
8	DISTRIBUTED SYSTEM	ZONE #6




GENERAL NOTES:

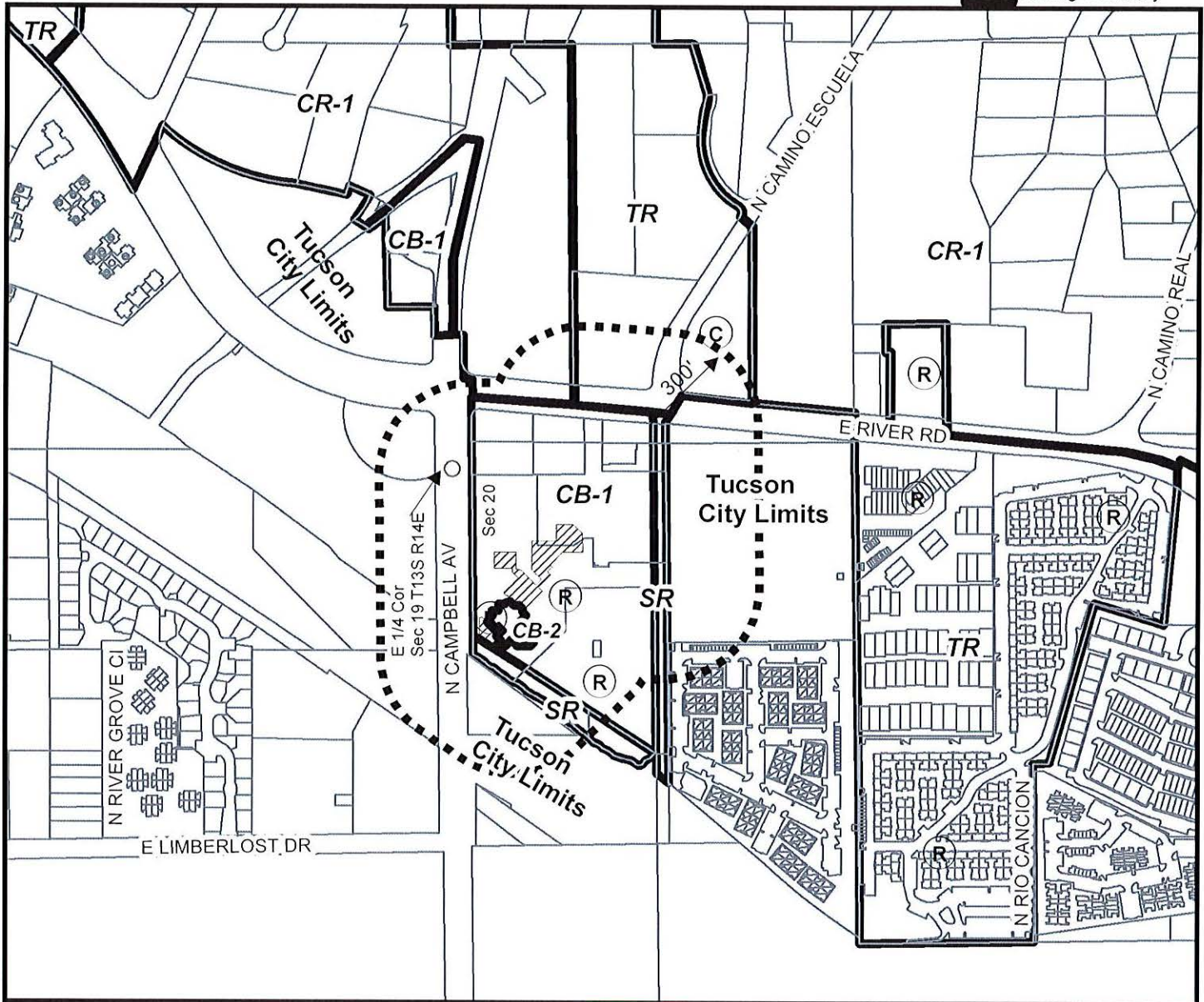
ZONES 1 THRU 6 (DISTRIBUTED SYSTEMS) ARE SEPARATE NETWORK CONTROLLED SOUND SYSTEMS THAT CAN BE PROGRAMMED FOR VARIOUS SYSTEM DEMANDS, SUCH AS DINNING, SPECIAL EVENTS AND CONCERTS.

ALL OF THE PORTABLE SOUND AND LIGHTING EQUIPMENT WILL BE LOCATED AT THE PRODUCTION DESK FOR CONCERT OR SPECIAL EVENT SETUPS.



Case #: P19RZ00013
Case Name: ST PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING
Tax Code(s): Portions of 108-18-7060 & 108-18-7080

-  300' Notification Area
-  Subject Property
-  Zoning Boundary



0 220 440 880 Feet

Area of proposed rezoning from CB-1 to CB-2



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 2/26/20 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 24

Map Scale: 1:6,000

Map Date: 1/30/2020 - ds



P19RZ00013 ST. PHILIPS PLAZA - N. CAMPBELL AVENUE REZONING

Comprehensive Plan Land Use Designation

Community Activity Center (CAC)

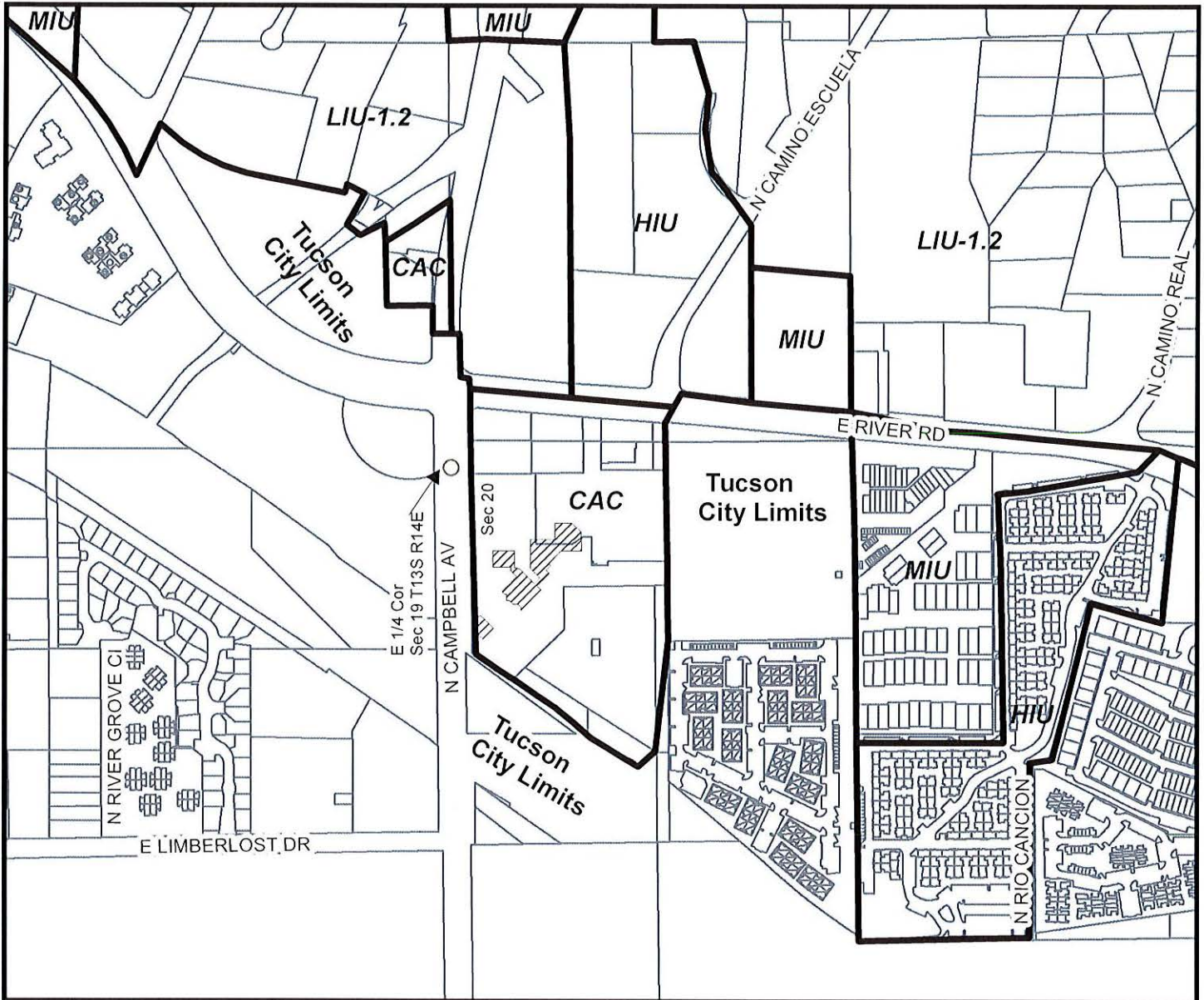
Objective: To designate medium and higher intensity mixed use districts designed to provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; educational and institutional uses; and other similar uses as described in the Campus Park Industrial (CPI) zoning district (Section 18.49); and compatible medium to higher density housing. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how it serves to create or enhance the mixed use character of the designated activity center as a whole.

Larger centers may include a regional mall. Smaller centers may provide goods and services needed on a more frequent basis. These may include a major supermarket, discount department stores, large variety stores, or specialty stores such as a hardware/building/home improvement stores. Community Activity Centers may be located on major arterial roadways with access to public transportation. All centers will have direct pedestrian and bicycle access to surrounding neighborhoods. Community Activity Centers may range from 25 acres to up to 100 acres or more in size depending on the area served and services provided.

Residential Gross Density (if any): Minimum - 6 RAC; Maximum - as allowed by the requested conforming zoning district

Case #: P19RZ00013
Case Name: ST PHILIPS PLAZA LLC - N. CAMPBELL AVENUE REZONING
Tax Code(s): Portions of 108-18-7060 & 108-18-7080

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10



Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

Map Scale: 1:6,000	Map Date: 1/30/2020 - ds





CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

January 24, 2020

VIA EMAIL TO: mark.holden@pima.gov

Mr. Mark Holden AICP
Principal Planner
Planning Division
Pima County Development Services Dept.
201 N. Stone
Tucson, AZ 85701

RE: P19RZ00013 St. Phillips Plaza – N. Campbell Ave. Rezoning #2

Dear Mr. Holden:

Thank you for the opportunity to comment on this rezoning case. As you are probably aware, St. Phillips Plaza has been the topic of annexation discussions. One of the issues to be identified was that the translation of the existing Pima County Zoning, upon annexation, to City of Tucson Zoning was the prohibition of outdoor music in the Tucson C-1 zone due to the property's proximity to residences. It appears the rezoning is an effort to address this issue.

The area within the City is current a dynamic mix of high-density residential, commercial and office uses. The areas proposed for rezoning are bounded roughly by Campbell Avenue, an arterial roadway on the west, and the Rillito River on the south. Structures within Saint Phillips Plaza effectively screen properties to the north, across River Road, and those to the west.

Plan Tucson, the City's General and Sustainability Plan identifies the rezoning site as a Potential Annexation Area.

Considering the requested rezoning appears to be to position the plaza for annexation, by addressing the outdoor music issue, and while the applicant has proposed noise studies and noise standard for the plaza, the City recommends any rezoning condition related to sound volume require the plaza activities be subject to Chapter 16-31 Excessive Noise of the Tucson Code. Pima County may also choose not to impose a noise condition on the rezoning, thereby allowing the City to impose its noise ordinance on the site.

The City Code limits noise:

Planning & Development Services Department (PDSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.tucsonaz.gov/pdsd

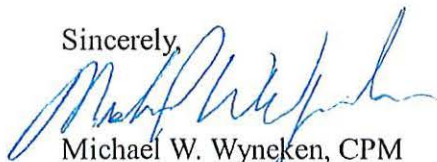
(a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

Table I provides the following:

TABLE I Use of Property Receiving the Sound		
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	70	62
Commercial	72	65
Industrial	85	70

Should you have any questions regarding these comments, please feel free to contact me.

Sincerely,



Michael W. Wyneken, CPM
PDSD Entitlements Section

Mark Holden

From: Michael Mourreale <Michael.Mourreale@tucsonaz.gov>
Sent: Friday, January 24, 2020 10:09 AM
To: Mark Holden
Cc: Kellie Anderson
Subject: P19RZ00013 ST PHILLIPS PLAZA - N. CAMPBELL AVENUE

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Good morning,

Tucson Water does not take exception to nor has any comments pertaining to the proposed rezoning of the subject properties located at St Philip's Plaza near River Rd and Campbell Ave.

If you have any further comments or questions regarding this topic, please let us know.

Sincerely,

Michael Mourreale, PE
Engineering Manager
New Development
Tucson Water
Office: (520) 837-2233



DEVELOPMENT SERVICES

201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207
(520) 724-9000

Biological Impact Report

(Not Applicable for Rezoning that Require a Site Analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

Pima County Planning staff will provide the following information for the proposed project site, as applicable:

1. Is the project located in the Maeveen Marie Behan Conservation Lands System?
Any Special Species Management Areas?
2. Is the project in the vicinity of any of the six Critical Landscape Linkages?
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property?
4. Is the project located within the Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl
 - b. Western burrowing owl
 - c. Pima pineapple cactus
 - d. Needle-spined pineapple cactus

Part II. Information Provided by the Applicant:

1. Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property?

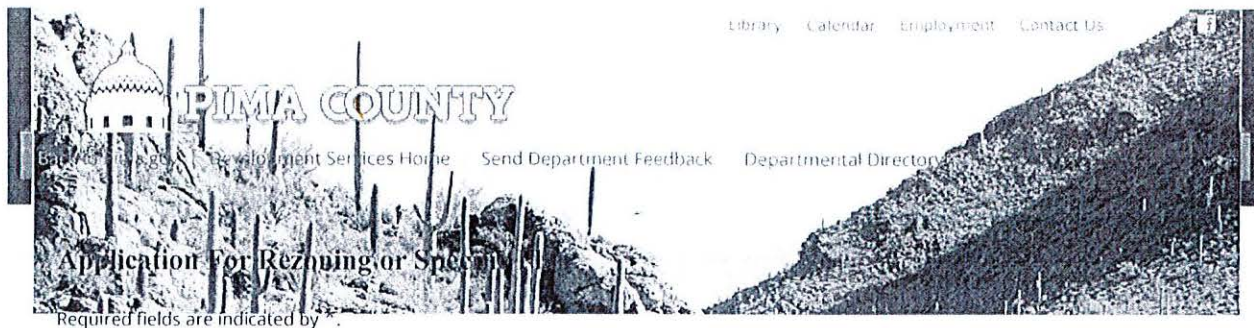
If yes, provide a summary of those communications: _____



2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl	No	<input type="text"/>	<input type="text" value="No"/>
Western burrowing owl	No	<input type="text"/>	<input type="text" value="No"/>
Pima pineapple cactus	No	<input type="text"/>	<input type="text" value="No"/>
Needle-spined pineapple cactus	No	<input type="text"/>	<input type="text" value="No"/>

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.



Owner Information

Owner's Name: * St Philips Plaza LLC
Mailing Address: * 4280 N. Campbell Ave, Suite 212 City: * Tucson
State: * Arizona Zip code: * 85718 Phone: * 520-529-2775
Owner's Email Address: * selbyrobert@gmail.com

Applicant Information (if other than owner)

Applicant's Name: Michael Marks, AICP
Applicant's Address: 6401 E. Shepherd Hills City: Tucson
State: Arizona Zip code: 85710 Phone: 520-885-5021
Applicant's Email Address: mjmcconsulting@cox.net

Property Information

Property Address: 4280 N. Campbell Ave
Tax Parcel Number: * 108-18-7060 & 108-18-7080
Acreage: * 10,000 SF Present Zone: * CB-1 Proposed Zone: * CB-2
Comprehensive Plan Subregion / Category / Policies: * Catalina Foothills/CAC/No Applicable Policies

Attach requested documents if applicable.

A total of 8 MB of files can be uploaded in a single form submission. There is no restriction on file types.

1. Letter of Authorization: If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

[Browse...](#)

2. Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan OR submit an electronic version of the required submittal documents as requested at the Pre-Rezoning Meeting for a Non-Site Analysis Rezoning.

[Browse...](#)

A total of 8 MB of files can be uploaded to this form. If your submission exceeds 8MB please upload documents to an FTP site such as dropbox.com and paste the access link here:

3. An ESRI Shapefile or AutoCad DWG file referenced to the Pima County GIS coordinate system for any zoning and/or land use boundary contained within a portion of a parcel or parcels that creates its own unique boundary that is not legally described

[Browse](#)

Terms and Conditions

* ☐ I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: *

For Electronic Submittal:

A rezoning case will be opened and an email containing an invoice with the case number and instructions for making payment through the online payment portal will be sent to the applicant within 2 business days.

Attendance to a *Pre-Rezoning meeting* is a pre-requisite to rezoning application submittal. The Pre-Rezoning meeting is scheduled at 201 N. Stone Avenue, 2nd floor on the 3rd Wednesday of the month beginning at 9:00 am.

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TRANSMITTAL

To: Thomas Drzazgowski, Assistant Planning Director
Pima County Planning Division
From: Michael Marks, AICP
Re: St. Philips Plaza
Date: December 30, 2019

Submitted herewith is a **Rezoning Application** and attachments for property near the southeast corner of River Road and Campbell Avenue. This property makes up a small portion of the St. Philips Plaza commercial development. This property is in the Section 20, Township 13 South, Range 14 East.

Included with this submittal is the following:

- The Request/Cover Letter
- An Authorization Letter
- The Biological Impact Report
- The Sketch Plan
- The Rezoning District Map
- Rezoning District Legal Description, with Area Calculation
- The Fee of \$4,699.00

Please call me if you have any questions or comments. Thank you.

December 20, 2019

Mr. Thomas Drzazgowski, Assistant Planning Director
Pima County Department of Development Services -
Planning Division
201 N. Stone Ave, 2nd Floor
Tucson, Arizona 85701

Re: Rezoning of portions of Parcels 108-18-7060 & 108-18-7080, within the St. Philips Plaza.

Dear Mr. Drzazgowski:

The rezoning I am submitting is for two different portions of the St Philips Plaza (i.e. the 'Plaza'). One is referred to as the 'Courtyard', and the other as the 'Farmers Market'. These two areas of the Plaza are within Assessor Parcels 108-18-7060 & 108-18-7080. And I want to say at the start, the two areas of this rezoning will not result in any new buildings that require the CB-2 zone. These two areas will not result in any land use not currently in effect.

This letter is intended to introduce the proposed rezoning within the context of the Department of Development Services online document entitled 'Request Letter and Sketch Plan Submittal Guidelines'. As such I will touch on all of the items listed, except for #2, in Paragraph #1, and all items listed in Paragraph #2.

Generally speaking, St. Philips Plaza is a shopping center with a variety of restaurant, retail, financial, fitness and hospitality businesses. It is zoned CB-1 except for a small portion of land in the southwest corner. The buildings, the internal circulation & parking, the access points to River Road & Campbell Ave, and the internal amenities like the Courtyard, are all consistent with the Development Plan approved in 1985.

The 'Courtyard' is situated in the interior of the Plaza. It is surrounded by retail stores as well as three restaurants named Reforma Modern Mexican, Union Public House, and Proof Artisanal Pizza & Pasta. These restaurants share the Courtyard area and use it for patio seating, as is allowed in CB-1. The restaurants also use the Courtyard for evening amplified live music performances. This latter activity has been very successful in bringing in patrons but has also resulted in neighborhood complaints due to perceived intrusive noise. As a result of these complaints the matter has come to the attention of the Development Services Department and they have determined that the outdoor live music activity is not in compliance with the CB-1 zone. They have also determined that the outdoor live music activity is allowable in the CB-2 zone, so that is the reason, the initial reason, for this request.

The 'Farmers Market' is an activity that takes place on Saturday and Sunday mornings. This activity has occurred for many years without any objections according to the owner, or any complaints according to the Development Services Department staff. Given that we were already talking to staff about the Courtyard, we decided to talk about the Farmers Market and how it fits with the CB-1 zone. Staff indicated that this outdoor activity also does not comply with the CB-1 zone but would comply with the CB-2 zone. Consequently, it was decided to include the area used for the Farmers Market in this rezoning too.

• Page 2
Thomas Drzazgowski

December 20, 2019
St. Philips Plaza

Both the amplified live music in the Courtyard and the Farmers Market elsewhere in the Plaza are considered amenities that satisfy a desire of the Plaza patrons. The music attracts patrons to the restaurants and provides a good reason for them to stay and to spend more time in the restaurant. The Farmers Market provides a community gathering place, where one can just walk around and see others and things for sale, as well as to purchase things often not found in the typical retail store.

The rezoning to CB-2 will not result in the building of any new buildings. The Courtyard will remain as it is. The owner of the Plaza and the party that owns all three restaurants have already received Pima County approval for a permanent stage, to replace the existing temporary stage. This permanent stage was approved in accord with the CB-1 regulations. Due to the rezoning that is pending the owner will not build that permanent stage until the CB-2 zoning is approved, but it bears repeating that this new stage does not rely on the CB-2 zoning. The Farmers Market, too, will not change, and no permanent structures of any kind will be built.

The St. Philips Plaza has its own well which delivers all of the water needs, i.e. drinking and landscape irrigation, to the project. The property also is connected to City of Tucson Water Department facilities as a back-up. No change is proposed on this matter.

The Plaza is currently served with public sewer by the Pima County Wastewater Reclamation Department. That will not change.

The Plaza contains substantial landscaping. The amount and dispersion of this landscaping meets and likely exceeds the applicable requirements in effect at the time of the approved Development Plan, i.e. 1985. The CB-2 rezoning will not warrant any additional landscaping.

Neither the Courtyard nor the Farmers Market rezoning will involve any change in the number of lots or employees or parking spaces, nor any new buildings. The Farmers Market will continue to operate on weekend mornings. Possibly the hours could change some in the future, but no such changes are planned at this point. The Courtyard live music activity will continue on a nightly basis, when weather allows.

The owners acknowledge that the amplified live music has generated complaints from neighbors, specifically to the west of the Plaza. The property owner and the restaurants owner want to control the noise to reduce the perceived negative impact on the neighbors. The owner will be hiring a firm to measure the sound levels generated by the Courtyard live music at Campbell Ave and near the Rillito River. This data will be submitted to the Planning Department in the near future.

Along with that Noise Study, the owner will submit one or more written conditions that could be imposed on the property to ensure that the level of amplified live music is controlled and kept to an acceptable level. In general terms that level of noise will be no louder than the existing level of noise already existing along Campbell Avenue, which is the goal already expressed by staff.

The owner has explained that up to now each performer or band that has played in the Courtyard has used and operated his/her own sound system. If this rezoning is approved the owner of the property and the owner of the three restaurants will purchase and install a sound system which

• Page 3
Thomas Drzazgowski

December 20, 2019
St. Philips Plaza

will create a consistent application of sound, and they will manage the control of that sound system in order to limit the overall volume in the courtyard area. The owners are confident that with the installation of this audio equipment that they can manage to successfully control the sound from the courtyard live music

On another subject, the owner and his representatives will make contact with the affected neighborhood, and particularly with the party who has complained about the noise condition. The goal is to secure support from this affected neighborhood.

In the meantime, the amplified live music will come to a stop in the near future, and then won't be started up again until the rezoning is resolved favorably. On the matter of our schedule, I would suggest that this case not be scheduled for a hearing before the Planning & Zoning Commission hearing until we have submitted the sound level data and the list of offered rezoning conditions. Regarding the rezoning conditions, other than those we will submit regarding the control of sound, I would suggest that none of the standard rezoning conditions should be attached since there already has been an approved Development Plan and all of the improvements have been built.

The owners of the Plaza and of the Restaurants are committed to making the amplified live music work without creating a problem for the neighbors. We submit that the measures to control sound will comply with the general comments made above and the specific Conditions to be submitted on the live sound matter. But we want to add, the music is an asset to the Plaza patrons and to the community at large. And so is the Farmers Market.

Submitted with the Application are two exhibits. One is the Sketch Plan and the other is the Rezoning District Map. The latter is prepared by the land surveyor and shows the metes and bounds of the boundaries of the area proposed for rezoning. Thus, that same survey data is not shown on the Sketch Plan.

I want to add for the purposes of a summary a few points.

1. The proposed CB-2 rezoning of the Courtyard area shall result in the continued restaurant patio seating and other CB-1 uses plus Outdoor Live Music Performances.
2. The sound levels generated by the live music performances shall be regulated to comply with the standards identified in the rezoning process.
3. The proposed CB-2 rezoning of the Farmers Market area shall result in the continued Farmers Market use plus CB-1 uses.
4. The development, even with the change of zoning, shall continue to comply with the already approved Development Plan. Therefore, no site changes should be necessary.

Sincerely,



Michael Marks, AICP
President

December 4, 2019

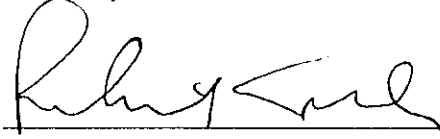
Mr. Thomas Drzazgowski, Assistant Planning Director
Pima County Department of Development Services -
Planning Division
201 N. Stone Ave, 2nd Floor
Tucson, Arizona 85701

Re: Rezoning of a portion of Parcel 108-18-7060 & 108-18-7080, within the
St. Philips Plaza.

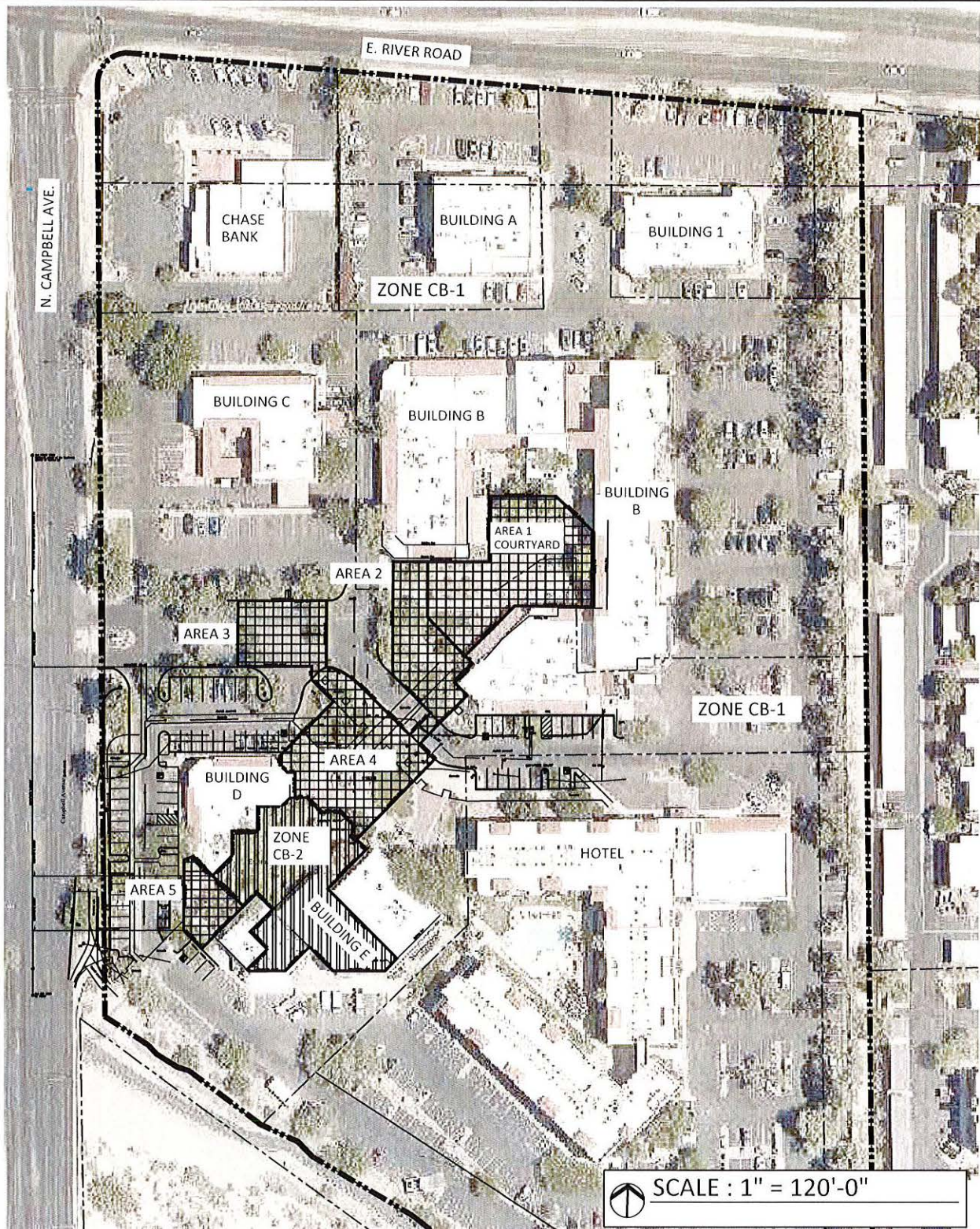
Dear Mr. Drzazgowski:

Please consider Michael Marks, AICP of MJM Consulting, Inc. as duly authorized to
act on our behalf in processing a rezoning for the above referenced property.
Thanks.

Sincerely,

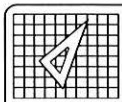
A handwritten signature in black ink, appearing to read "Robert Selby", is written over a horizontal line.

Robert Selby, Manager
St. Philips Plaza LLC



SITE ADDRESS:

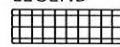

ST. PHILIPS PLAZA
4280 N. CAMPBELL AVE.
PIMA COUNTY, AZ



VVC DESIGN
ARCHITECT
1920 W. CASSIM LN
TUCSON AZ 85704 (520)575-7040

AREA CALCULATIONS:
COURTYARD (AREA #1) = 10,851 SQ.FT.
FARMERS MARKET (AREAS 2-5) = 18,488 SQ.FT.
TOTAL = 29,339 SQ.FT. = 0.67 ACRES

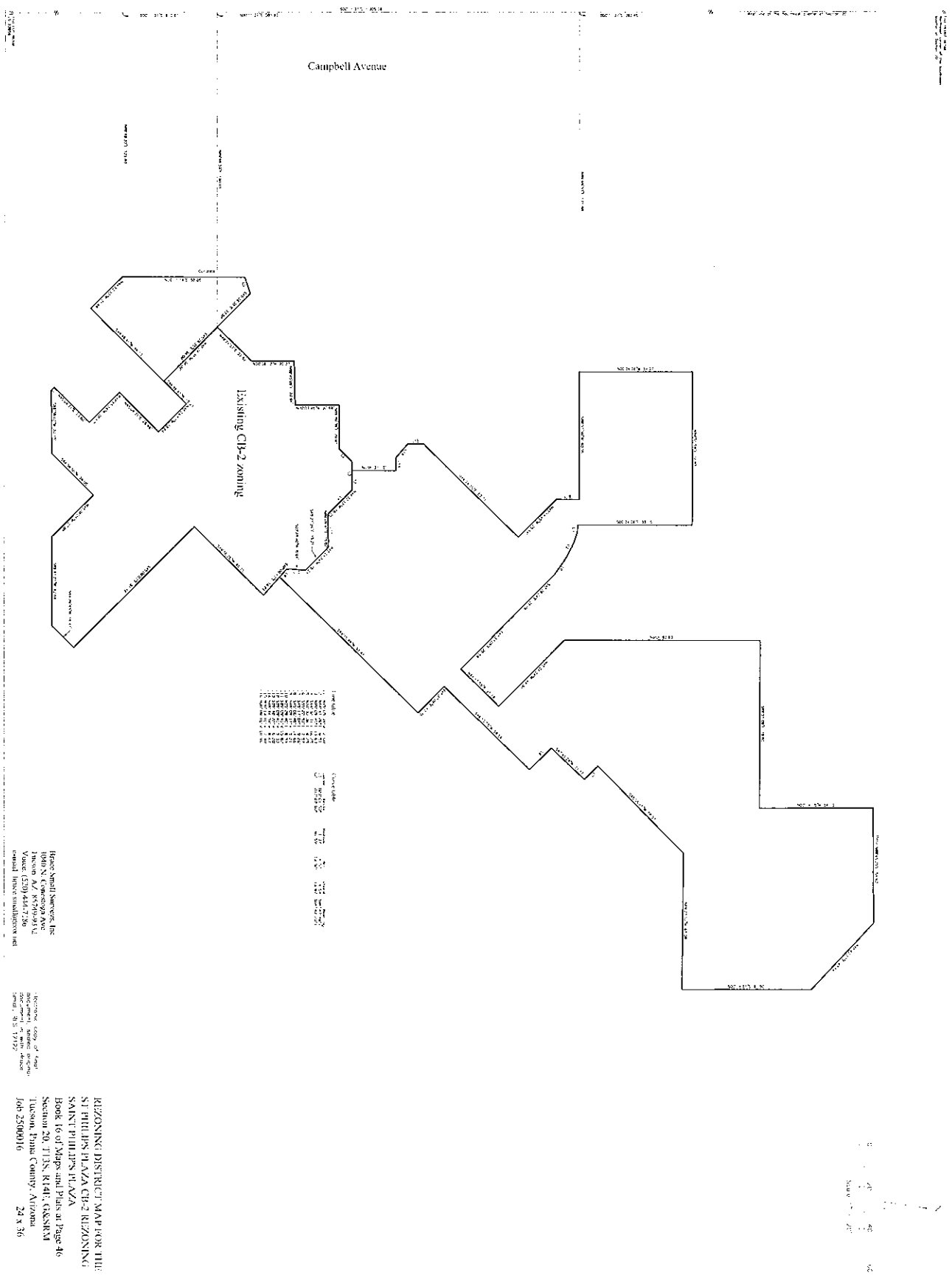
LEGEND

-  AREA OF PROPOSED CB-2 ZONING
-  AREA OF EXISTING CB-2 ZONING

 OVERALL ST. PHILIPS PLAZA BOUNDARIES

SKETCH PLAN FOR THE ST. PHILIPS PLAZA CB-2 REZONING

PREPARED: 01-27-2020



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-Revised copy of map
 submitted, signed, and
 sealed - 03/13/2022

REZONING DISTRICT MAP FOR THE
 ST. PHILIPS PLAZA CH-2 REZONING
 Book 16 of Maps and Plans at Page 46
 Section 20, T13N, R14E, GCSNMA
 Tucson, Pima County, Arizona
 Job 2500016
 24 x 36