



MEMORANDUM

DATE: September 2, 2015
For September 17, 2015 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: Ernie Duarte 
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-15-02 Broadway Village – Eastbourne Avenue
O-3 to P (Ward 6)

Issue – This is a request by Kelly Lee of the Planning Center, on behalf of the property owners, Americana Lodgings LLC to rezone approximately 0.5 acres from O-3 to P (Parking) zoning. The rezoning site is located at the southeast corner of Eastbourne Avenue and Manchester Street (see Case Location Map). The preliminary development plan proposes a parking lot with 53 spaces to be incorporated into the Broadway Village shopping center to provide employee parking, customer parking, and parking for the general public for the immediate surrounding commercial businesses.

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

Background Information

Existing Land Use: Multi-Family Residential

Zoning Descriptions

O-3: This zone provides for mid-rise, office, medical, civic, and other development uses that provide reasonable compatibility with adjoining residential uses.

P: This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone.

Surrounding Zones and Land Uses:

North: Zoned PAD-19; Commercial

South: Zoned R-1; Single-Family Residential

East: Zoned PAD-19; Commercial

West: Zoned O-3 and R-1; Multi-Family Residential and Single-Family Residential

Previous Cases on the Property:

PA-13-02 Broadmoor-Broadway Village Neighborhood Plan Southeast Corner of Eastbourne Avenue and Manchester Street – Parking Use This was an amendment to both the *Broadmoor-Broadway Village Neighborhood Plan* and the *Arroyo Chico Area Plan* to allow a parking land use designation for a 21,780 square foot parcel (129-02-0930) at the southeast corner of Eastbourne Avenue and Manchester Street. On February 4, 2015, Mayor and Council adopted Resolution No. 22348 subject to the following conditions:

- (1) As a condition of any approved rezoning becoming effective that will allow for a parking use on the amendment site, Broadway Village Shopping Center shall agree to a designation as a City historic landmark and to complete the process associated with that designation, and;
- (2) As a condition of any approved rezoning becoming effective that will allow for a parking use on the amendment site. Broadway Village Shopping Center shall contribute \$10,000.00 to help fund efforts to secure designation of Broadmoor-Broadway Village Neighborhood as a National Register Historic District; and
- (3) With the condition that Broadway Village will not build out the additional 10,000 square feet [future Buildings D and E].

Related Cases:

Broadway Village PAD (PAD-19) Minor Amendment The Broadway Village PAD is adjacent to the rezoning site on the north and east. A request for a minor amendment to the Broadway Village PAD was submitted to Planning and Development Services Department for review on May 18, 2015. The request for a minor amendment to the Broadway Village PAD was submitted to satisfy the conditions placed on the amendment to the *Broadmoor-Broadway Village Neighborhood Plan* (PA-13-02 – see above) and included 1) designating the existing Buildings B and C in the Broadway Village PAD as City of Tucson Historic Landmarks with modifications to the Design Standards addressing Signs; 2) removing future buildings, Buildings D (5,000 SF) and E (3,300 SF) from the Broadway Village PAD (the “additional 10,000 square feet referred to in condition (3) of plan amendment PA-13-02); and 3) removing the proposed access point south of future Building E. The minor amendment was approved by the Planning and Development Services Director on July 2, 2015. The minor amendment will not take effect unless rezoning case C9-15-02 Broadway Village – Eastbourne Ave is approved by Mayor and Council.

Applicant’s Request – “Parking zone is requested for development of a parking lot that will serve the adjacent Broadway Village Shopping Center.”

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*, the *Arroyo Chico Area Plan* and the *Broadmoor-Broadway Village Neighborhood Plan*. The rezoning site is located within a Mixed-Use Corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors provide a higher intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors

will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities. *Plan Tucson* supports redevelopment and revitalization of existing commercial land use that will stabilize and enhance the transition edge when adjacent to existing residential uses. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water urban forest as directed by *Plan Tucson* policies GI4 and EC3.

Plan Tucson policy LT28.1.7 supports developments that preserve and strengthen the distinct physical character and identity of individual neighborhoods and commercial districts in the community, while policies BC8, BC5, and LT28.1.11 support the retention and expansion of existing businesses. *Plan Tucson* policy direction specific to mixed-use corridors includes policy LT28.6.3 which supports community commercial and office uses located at the intersections of arterial streets taking into consideration traffic safety and congestion issues. Policy LT28.6.7 supports the expansion of commercial areas into adjoining residential areas when logical boundaries, such as existing streets or drainageways, can be established, and adjacent residential property can be appropriately screened and buffered. Policy LT28.6.13 provides direction to protect established residential neighborhoods by supporting compatible development, which may include residential, mixed-use infill and appropriate nonresidential uses.

The *Arroyo Chico Area Plan (ACAP)* also identifies Broadway Boulevard as a major street corridor where commercial developments should be consolidated at major street intersections and integrated with adjacent commercial development (including joint access and shared parking) when designed to be compatible with adjacent residential uses. *ACAP*, Residential Subarea 2 Map identifies the proposed rezoning site for “parking” as a permitted use. The *Arroyo Chico Area Plan* design guidelines and policy supports the maintaining of existing mature vegetation.

Broadmoor-Broadway Village Neighborhood Plan (BBVNP) recognizes Broadway Boulevard as an appropriate location for commercial development with the focus on compatibility of nonresidential development with adjacent single-family residential uses. *BBVNP* supports buffering between higher density land uses and less intense development. The *Broadmoor-Broadway Village Neighborhood Plan* allows for a parking use on the proposed rezoning site, along with the “Recommended” Land Use Map which also designates the site with “Parking” as a permitted land use.

The rezoning site is a pie-shaped parcel totaling 0.50 acres. The site is located at the southeast corner of the intersection of Eastbourne Avenue and Manchester Street. Properties to the immediate north and east are zoned PAD-19 and are developed with commercial/retail uses, including a commercial parking lot that abuts the rezoning site. The properties to the south are zoned R-1, single-family residential. The properties to the west are zoned O-3 and R-1, and developed with multi-family residential and single-family residential uses.

Access to the proposed parking lot will be through the existing Broadway Village shopping center parking lot. No direct access is provided onto either Eastbourne Avenue or Manchester Street from the rezoning site. Both Eastbourne Avenue and Manchester Street are local streets.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will have no impact traffic impact. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The proposed rezoning will allow construction of a 53 space parking lot and six additional spaces accessed directly from Manchester Street, increasing the overall parking supply for the Broadway Village shopping center to approximately 222 spaces. The Broadway Village PAD requires 125 parking spaces. While resulting in more parking than typically supported by staff, the rezoning includes benefits to the neighborhood required as conditions of approval of the plan amendment to allow the P zone at this location. If this P Zone is not approved, the related changes to the Broadway Village PAD (HL designation, removal of future Buildings D and E, and \$10,000 contribution to the neighborhood for National Register Historic designation) would no longer be required. Rezoning to the P zone also allows for design criteria to be placed on the subject property that otherwise would not be possible, resulting in a better designed buffer and transition than the existing apartments. The additional parking will also reduce the potential for overflow parking on neighborhood streets.

The proposed parking lot will have access only through the abutting Broadway Village shopping center parking lot to the east. This specific access location promotes safety and reduces direct traffic onto Eastbourne and Manchester. Redevelopment of the rezoning site to parking use provides an opportunity for the shopping center to create a space for employee parking which will allow customers to park closer to businesses, and can be used by other adjacent businesses. To ensure its function as a transition buffer between the residential neighborhood and the shopping center is not compromised, buildings, loading zones and dumpsters are prohibited.

Drainage/Vegetation/Buffers – While the preliminary development plan (PDP) shows water harvesting areas, a drainage statement demonstrating the maximization of water harvesting should be required. The PDP shows 13 trees proposed within and along the perimeter of the parking lot to provide shade and screening. It should be noted that there is an existing mature mesquite tree that the applicant is proposing to remove due to high risk of the tree collapsing from drought stress and decay. Given the tree's extensive size and maturity a second opinion from a third-party arborist could be considered to see if there is any way possible to save the tree. If the tree is removed the 13 trees being proposed should be of a size that is substantial and promotes healthy growth, i.e. 24 inch box native mesquites. If the mature mesquite tree remains, then provisions should be made for a healthy root system for this tree. As shown on PDP, the southeast corner of the site includes two canopy trees to screen and buffer the adjacent residential uses.

The preliminary development plan identifies a ten foot landscape border along the west and north boundaries along with a five foot tall wrought iron fence and 30 inch vegetative screen. The Unified Development Code (UDC) requires a five foot screen along this area. The PDP also indicates that along the southern boundary of the parking lot there will be a four foot wide street

landscape border with a 30 inch tall vegetative screen. The UDC requires a five foot wall between parking lot and residential development. The proposed perimeter design as identified on the PDP requires a variance process including a public hearing before the Board of Adjustment. Staff could support a variance request if the design was for a five foot tall wrought iron fence and 30 inch vegetative screen along the north, west and south perimeters. A perimeter screening design of vegetative screening and wrought iron fencing can enable clear views across the site in accordance with Tucson Police Department Crime Prevention through Environmental Design criteria. The four foot landscape area along the south perimeter, while allowed by the Unified Development Code as a minimum width, is not wide enough to provide healthy tree to maturity. The applicant should design landscape areas to have appropriate width for healthy tree and planting areas. Parking areas along the perimeter should include wheel stops to prevent damage to planting from vehicular encroachment into landscape areas. The eastern boundary of the proposed parking lot should include a mix of vegetation, i.e. shrubs trees, and ground cover.

Vehicular Access/Pedestrian Circulation/Lighting – The rezoning site will have no direct access onto either Eastbourne Avenue or Manchester Street, with access only through the adjacent Broadway Village shopping center parking lot to the east. The proposed sidewalk along the western edge of the parking lot, along Eastbourne Avenue should be six feet in width as this route is the main pedestrian route from the interior of the neighborhood to the Broadway Village shopping center. The parking lot will be integrated into the overall Broadway Village shopping center site, and as such the PDP identifies proposed crosswalks and pedestrian crossings along Eastbourne and Manchester that are offsite of the proposed parking lot. All proposed pedestrian crossings as shown on the PDP (including outside the rezoning site but within the Broadway Village PAD) should be designed to have a change in paving texture or a patterned color that distinguishes it as a pedestrian crossing. Lighting within the parking lot should provide even lighting coverage and prevent spillover onto public right-of-ways and neighboring residences. Per the Design Compatibility Report, light poles have a height of 12 feet with three foot base, maximum height of 18 feet to light source. A Photometric Plan should be included in any development package submittal indicating even lighting and only minor incidental spill-over lighting. Lighting with maximum height of 18 feet should be provided at the intersections of Manchester Street and Eastbourne Avenue in order to provide for pedestrian lighting and safety at this corner crossing. Light poles should be reviewed for compatibility with the rest of the Broadway Village shopping center. The PDP identifies stop signs at the Eastbourne / Manchester intersection, applicant should check with TDOT – Traffic to see if these are acceptable or warranted.

Alley Vacation and Abandonment – The proposed parking lot design and configuration is predicated on the vacation and abandonment of the existing 20-foot public alley that is adjacent to the eastern boundary of the rezoning site. The property owner is required to process the abandonment and realignment of this alley. An application for this process has been submitted, subject to the rights of the utility companies to continue to occupy the former alley. The property owner will be dedicating a 20-foot public alley along the southern edge of their property. As part of the alley consent and agreement with adjacent property owners, the property owner has agreed to contribute payment for the construction of adjacent off-site wall improvements as part of the

alley exchange. If possible all wall improvements should be compatible in design and/or painting, and compatible with the area and the Broadway Village shopping center. The parking lot should have a one-foot no access along the west, south and north property lines to preclude vehicular access onto the adjacent streets and alleys.

Conclusion – The proposed land use is supported by and consistent with the direction provided by *Plan Tucson*, the *Broadmoor-Broadway Village Neighborhood Plan* and the *Arroyo Chico Area Plan*, as amended February 4, 2015. Although the overall parking ratio is higher than would typically be supported, the P zone and the changes to the Broadway Village PAD can provide protections to the neighborhood that would not otherwise be available, serving as an appropriate transition and buffer between the commercial and residential uses to the west and south. Subject to compliance with the attached preliminary conditions, approval of the requested P zoning is appropriate.

PROCEDURAL

1. The development package, in accordance with the *Administrative Manual*, Section 2-06, shall be in substantial compliance with the Preliminary Development Plan submitted on June 22, 2015 which clearly illustrates compliance with all conditions through the use of details, diagrams and/or notes.
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". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
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 requiring connection 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. No dumpster, loading zones, or buildings allowed in the parking lot.
9. Outdoor lighting to be downward-facing and shielded away from neighborhood, with even lighting for site and only minor incidental spill-over lighting. Maximum height of light poles to light source shall be 18 feet. Provide low-level pedestrian lighting on the southeast corner of the intersection of Eastbourne Avenue and Manchester Street. All outdoor lighting fixtures should be reviewed by City of Tucson Historic Preservation Office for design compatibility with adjacent Broadway Village shopping center and the Broadmoor-Broadway Village neighborhood. Building Plans Review shall include Photometric Plan that 1) demonstrates compliance with Rezoning Condition 9; and 2) labels Rezoning Condition 9 on the Photometric Plan.
10. Prior to Mayor and Council consideration of C9-15-02, per conditions placed on plan amendment PA-13-02 *Broadmoor-Broadway Village Neighborhood Plan* Amendment, the Broadway Village shopping center property owner shall provide documentation that a State of Arizona Historic Property Inventory form has been submitted to and reviewed by the City of Tucson Historic Preservation Office and Tucson-Pima County Historical Commission Plans Review Subcommittee with a recommendation for Historic Landmark designation of the Broadway Village PAD, Buildings B and C.
11. Prior to Mayor and Council consideration of C9-15-02, per conditions placed on plan amendment PA-13-02 *Broadmoor-Broadway Village Neighborhood Plan* Amendment, the Broadway Village shopping center property owner shall place \$10,000.00 in an escrow account to help fund efforts to secure the designation of Broadmoor-Broadway Village neighborhood as a National Register Historic District. The funds in the escrow account shall be released to the Broadmoor-Broadway Neighborhood Association which will be used to match funds contributed by the neighborhood for expenses related to securing designation for the Broadmoor-Broadway Village neighborhood as a National Register Historic District. Any unused portion of the funds shall be released to the Broadway Village shopping center property owner at the end of five years or if the rezoning case is denied or withdrawn, then funds will be released back to the Broadway Village shopping center property owner.

DRAINAGE/VEGETATION/BUFFERS

12. Provide a drainage statement demonstrating the maximization of water harvesting for the parking lot site.
13. Existing mature mesquite tree to remain; or if removed then perimeter landscaping to include 10 canopy trees, 24 inch box.
14. Perimeter screening along the north, west and south boundary shall be five foot high wrought iron fencing with 30 inch tall vegetative screen.

15. Provide a minimum of two canopy trees at southeast corner of the parking lot adjacent to residential uses.
16. Perimeter parking spaces shall have wheel stops to prevent vehicle overhang into landscape and planting areas.

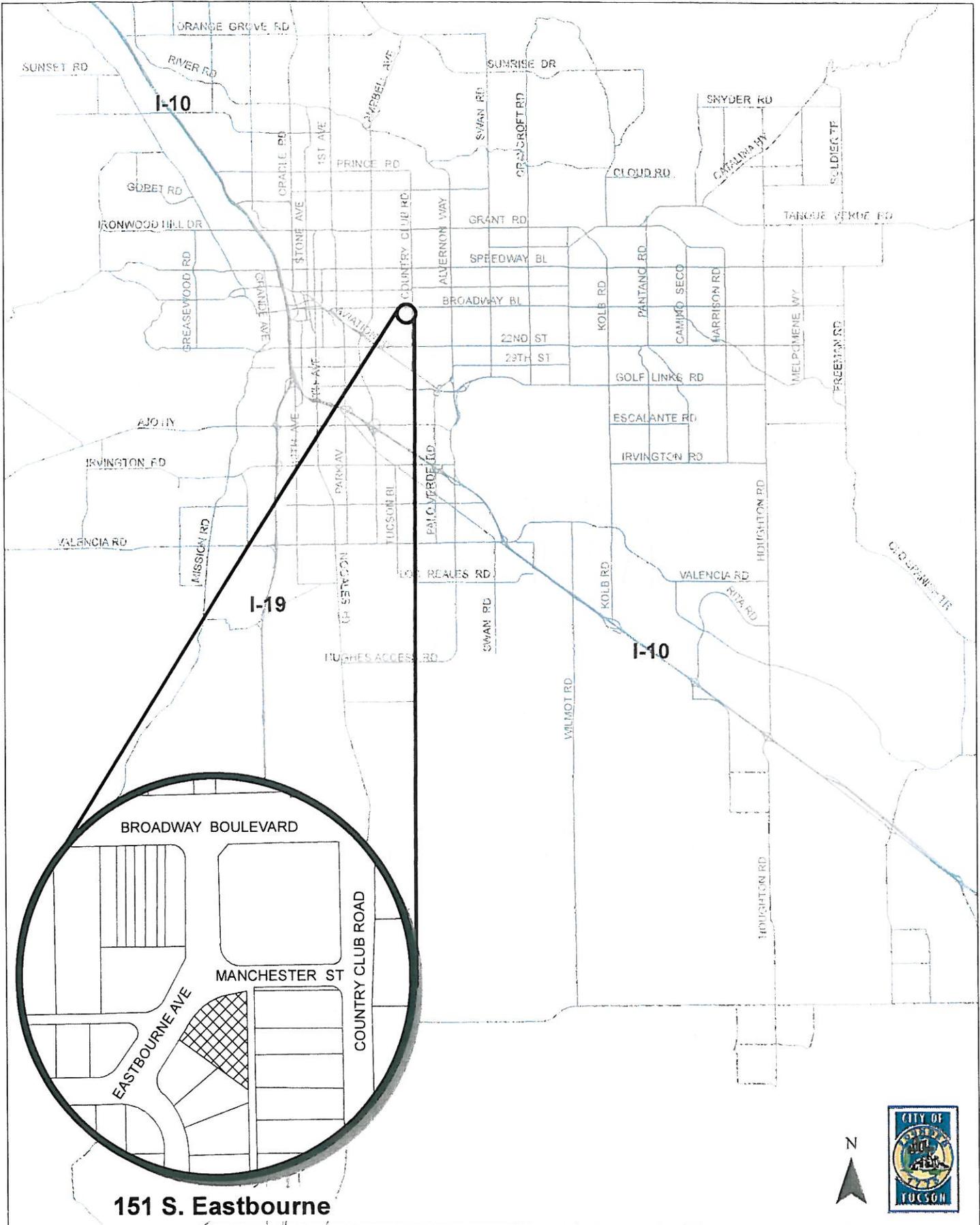
VEHICULAR ACCESS/PEDESTRIAN CIRCULATION

17. No vehicular access onto Eastbourne Avenue or Manchester Street. One foot no access easement along the north, west, and south boundaries of the parking lot site.
18. Provide pedestrian crossing at intersection of Eastbourne Avenue and Manchester Street. Pedestrian crossing shall have a change in paving texture or color that distinguishes it as a pedestrian crossing. All pedestrian crossings that cross Eastbourne Avenue and Manchester Street to have similar change in paving color or texture.

ALLEY VACATION AND ABANDONMENT

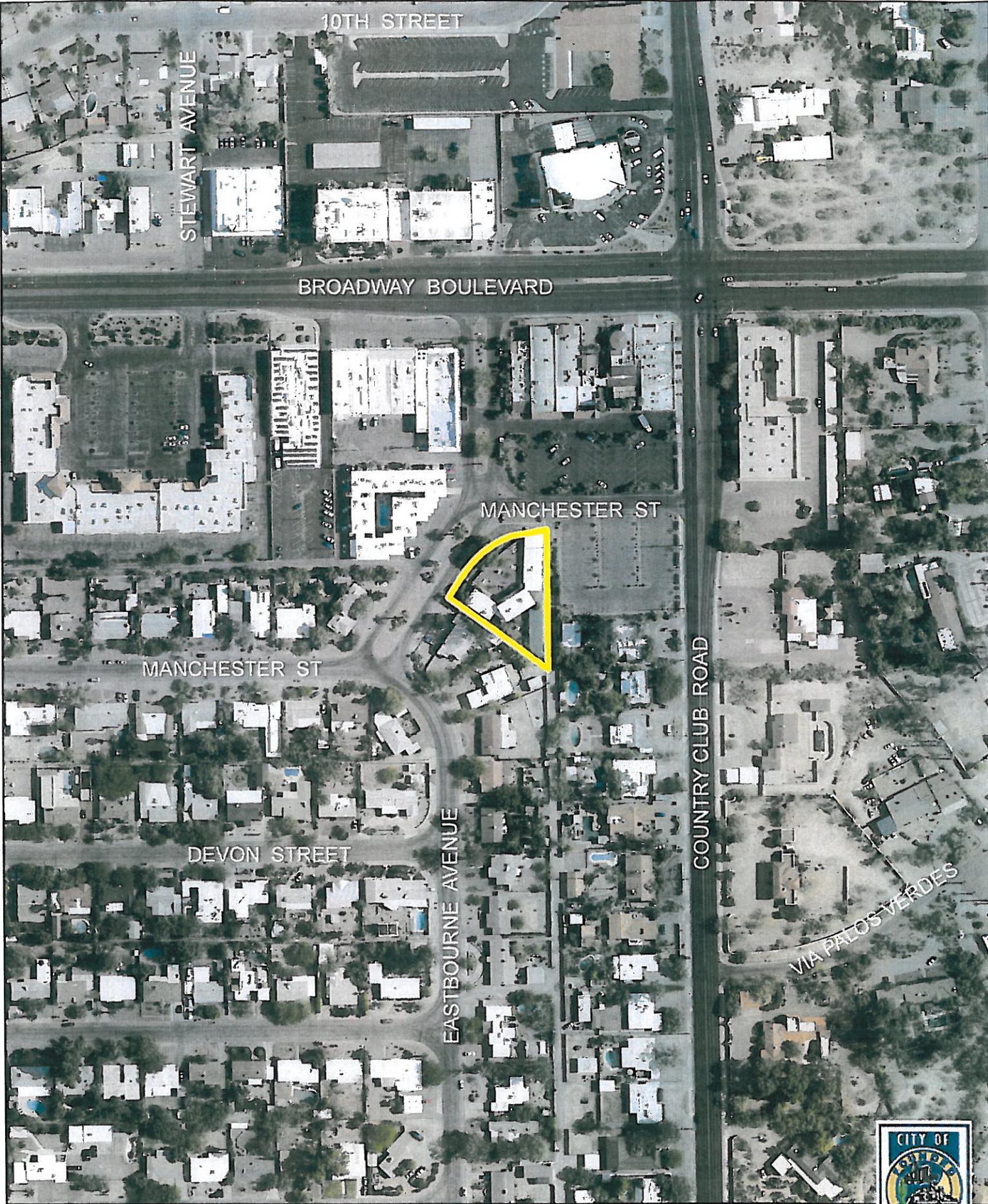
19. Prior to construction permitting of the parking lot, the Broadway Village shopping center property owner shall have completed the alley exchange, vacation and realignment with the City of Tucson.
20. Prior to construction permitting of the parking lot, the Broadway Village shopping center property owner shall provide documentation to Planning and Development Services Department that all agreements with adjacent property owners as per the alley exchange, vacation and realignment shall be completed prior to construction permitting of the parking lot.

C9-15-02 Broadway Village - Eastbourne Avenue



151 S. Eastbourne





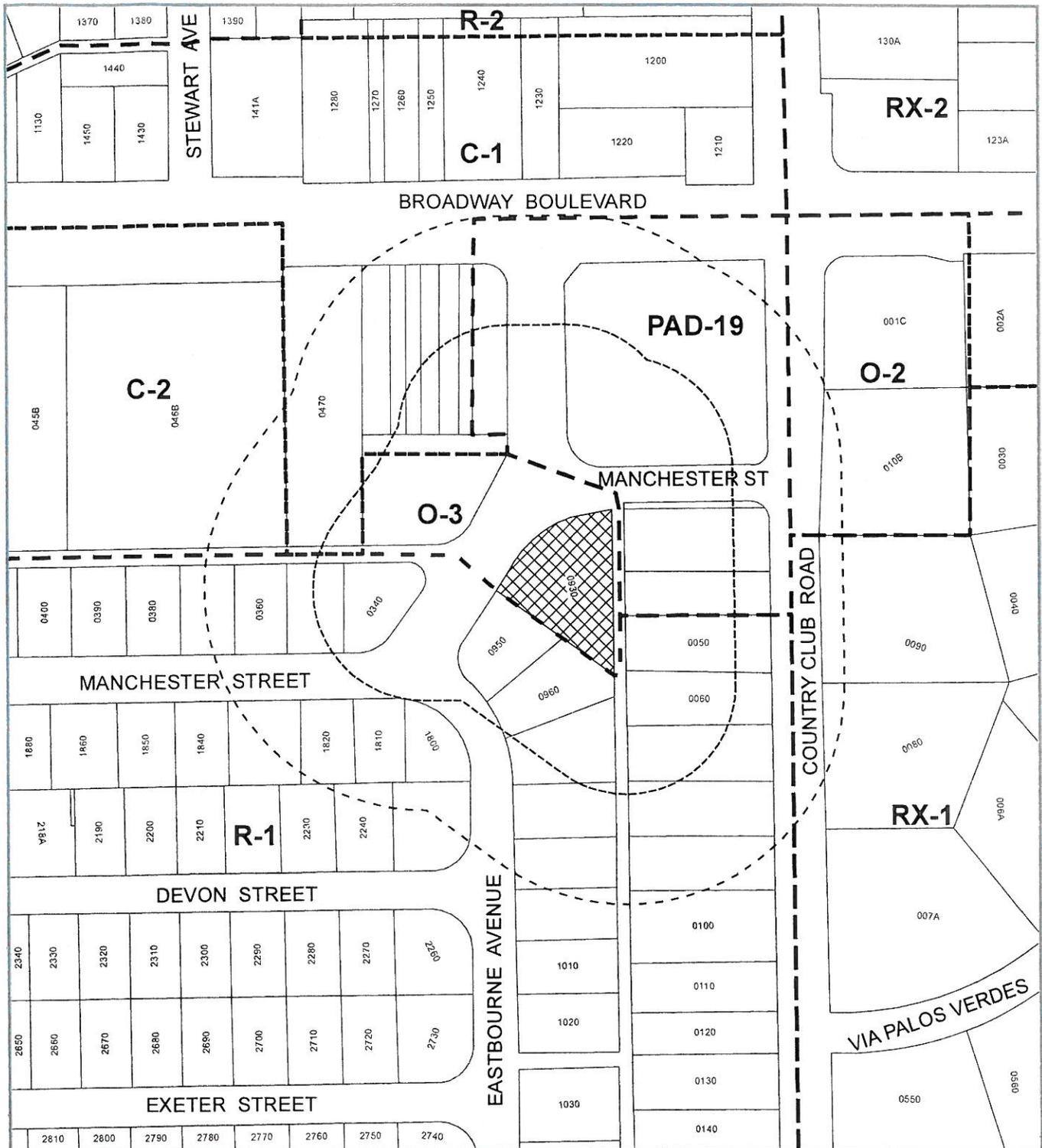
C9-15-02 Broadway Village - Eastbourne Avenue
2014 Aerial

0 50 100 200 Feet
1 inch = 200 feet



C9-15-02 Broadway Village - Eastbourne Avenue

Rezoning Request: from O-3 to P



Area of Rezoning Request



150' Protest Area



300' Notification Area



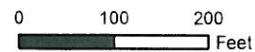
Zone Boundaries



Address: 151 S. Eastbourne Avenue

Base Maps: Sec.17 T.14 R.14

Ward: 6



1 inch = 200 feet



PUBLIC FACILITIES AND SERVICES REPORT FOR September 17, 2015
(as of July 16, 2015)

C9-15-02 Broadway Village – Eastbourne Avenue, O-3 to P

CITY AGENCIES

Planning & Development Services – Engineering: See attached comments dated 7-15-15.
Planning & Development Services – Community Design: See attached comments dated 7-13-15.
Transportation – Engineering: See attached comments dated 7-15-15.
Transportation – Traffic Engineering: See attached comments dated 7-7-15.
Real Estate Department: See attached comments dated 7-16-15
Planning & Development Services – Sign Code: See attached comments dated 7-15-15

No Objections Noted

Planning & Development Services – Zoning Enforcement
Planning & Development Services – Zoning Review
Community Services – Historic Preservation Officer
Environmental Services
Tucson Water Department
Tucson Parks and Recreation
Tucson Fire Department
Tucson Police Department
Planning & Development Services – Landscape
Environmental Services
Office of Conservation & Sustainable Development

NON-CITY AGENCIES

No Objections Noted

Pima County Wastewater
Tucson Unified School District
Pima Association of Governments
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, September 2, 2015 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html



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 ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-15-02 Broadway Village – Eastbourne Avenue, O-3 to P
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

C9-15-02 jb

Expose this flap - Affix stamp and return



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

IMPORTANT REZONING NOTICE ENCLOSED

F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout