



MEMORANDUM

DATE: June 6, 2018
For June 21, 2018 Hearing

TO: Zoning Examiner

FROM: 
Scott Clark
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-18-09 SHK Future Development LLC – Broadway Boulevard
R-3 to C-1 (Ward 6)

Issue – This is a request by Brain Underwood, of the Planning Center, on behalf of the property owners, SHK Future Development LLC, to rezone approximately 0.20 acres from R-3 to C-1 zoning. The rezoning site is located on the north side of East Broadway Boulevard; approximately 1,850 feet east of Craycroft Road (see Case Location Map). The preliminary development plan proposes future improvements/redevelopment of the existing drive-through restaurant including additional parking, dumpster location and landscaping and a potential new 2,467 square foot commercial building.

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

Background Information

Existing Land Use: Undeveloped

Zoning Descriptions:

Existing Zoning:

R-3: This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Proposed Zoning:

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-3 & R-1; 10th Street and SFR
South: Zoned C-1; Restaurant with drive-through
East: Zoned R-3 & C-1; Apartments and Commercial
West: Zoned C-1; Restaurant with Drive-through

Previous Cases on the Property: none

Related Cases:

C9-13-03 Heights Properties – Broadway Blvd., R3/C-1 to C-1 – This rezoning site is located on the north side of Broadway Boulevard, south of 10th Street. The south two-thirds of the property was zoned C-1, and the north portion was zoned R-3. This property is 90 feet west of the subject property. This rezoning was for approximately 0.55 of an acre, from R-3 and C-1 zoning to establish C-1 zoning on the entire parcel.

C9-90-03 Margeln, Inc., - Broadway Blvd. R-3 to B-1 (Converted to C-1 with LUC adoption in 1995) This was a rezoning request for approximately 0.21 acres located adjacent to the west property line of the subject rezoning to allow the development of the entire lot for business use.

Applicant's Request – To allow for future improvements/redevelopment of the existing drive-through restaurant including additional parking, dumpster location and landscaping and a potential new 2,467 square foot commercial building.

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

Within Mixed-use Corridors, *Plan Tucson* supports the redevelopment and/or expansion of existing strip commercial development that will improve traffic flow, pedestrian mobility and safety, and streetscape quality when: the project stabilizes and enhances the transition edge when adjacent to existing and future residential uses; primary access can be generally provided from a major street; and, required parking, loading, and maneuvering, screening and buffering can be accommodated on site and oriented away from adjacent residential uses. Adjacent uses can consolidate design elements, where feasible, such as access points, parking, landscaping, and screening.

Plan Tucson also provides for consideration of 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.

Commercial expansions or consolidations especially in conjunction with street widening, may be an appropriate means to preserve the vitality of the street frontage and the adjacent neighborhood.

Sewell-Hudlow Neighborhood Plan (SHNP): The overall *SHNP* goals are to preserve and protect the integrity of established low-density neighborhoods; identify appropriate locations for new development and provide safe and efficient circulation systems for all modes of transportation including pedestrian. The Plan supports efficiently designed, nonresidential developments that minimizes the number of vehicular access points and integrates vehicular and pedestrian circulation systems and other common amenities such as landscaping and walls. Commercial development is supported along on Broadway Boulevard, including the subject parcel, as shown on the Land Use Development Maps.

The rezoning site is approximately the north one-third of a parcel with split zoning. The south two-thirds of the parcel which fronts onto Broadway Boulevard, an arterial street, is zoned C-1 and is developed with a restaurant with a drive-through. The rezoning portion of the lot is undeveloped and fronts onto East 10th Street, a local street. A rezoning condition will prohibit access to East 10th Street. Single-family homes exist across E. 10th Street from the rezoning parcel. The rezoning is generally supported by the residents given the proper screening and landscaping along the road frontage and the no-access condition.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate no additional vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning site is relatively flat, with disturbed desert scrub vegetation. The Design Compatibility Report (DCR) indicates that any new commercial structure will occur toward the south two-thirds of the overall site (the C-1 zoned area). Should it be warranted, a patio area may be developed south of a future structure, moving the northern portion of the structure onto the rezoning site. However, the outdoor activity as well as the drive-through activity will remain nearly 300 feet from the residential properties. The maximum height of the future structure will be 30 feet. The rezoning site will be developed for parking and the dumpster area. The proposed dumpster location is nearly 100 feet from the residential properties. A six (6') foot-tall masonry wall and a 10-foot wide landscape border will provide screening along the E. 10th Street frontage.

Drainage/Grading/Vegetation – There are two watersheds draining the site. Most of the C-1 portion of the overall property drains to Broadway, however there is a depressed landscape area at the north boundary of the existing development. Currently, overflow from the depressed area runs north onto the rezoning site and toward the northeast corner of the lot, into the 10th Street right-of-way (ROW), and is conveyed approximately 250 feet to the east, to the Sahuara Wash in the Chantilly Drive ROW. This watershed drains approximately 0.3 acres and conveys about 2.2 cubic

feet per second (cfs) in a 100 year storm event. The site is not within a designated critical or balanced basin, and is less than one acre in size, therefore retention/detention is not required. The depressed landscaping areas in the developed portion of the rezoning site will retain storm water, maintaining the pre-development run-off of 2.2 cfs, with the overflow following the same pattern into the 10th Street ROW.

Road Improvements/Vehicular Access/Circulation – The current circulation pattern and road access will be retained for future development. Ingress and egress will remain as separate access point to Broadway Boulevard. There will be no site access to 10th Street.

Conclusion – The *Sewell-Hudlow Neighborhood Plan* and *Plan Tucson* support commercial zoning on this site. The proposed future layout of the site keeps the commercial activity a significant distance from the residences to the north. A six-foot tall wall and landscape border offer screening for those residences. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated April 4, 2018, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

7. Drive-through speakers shall be designed and placed to direct sound away from residential uses.
8. Dumpster shall be located at least 50 feet from any residential property line.
9. Developer shall provide a six-foot (6') tall wall along the East 10th Street frontage.

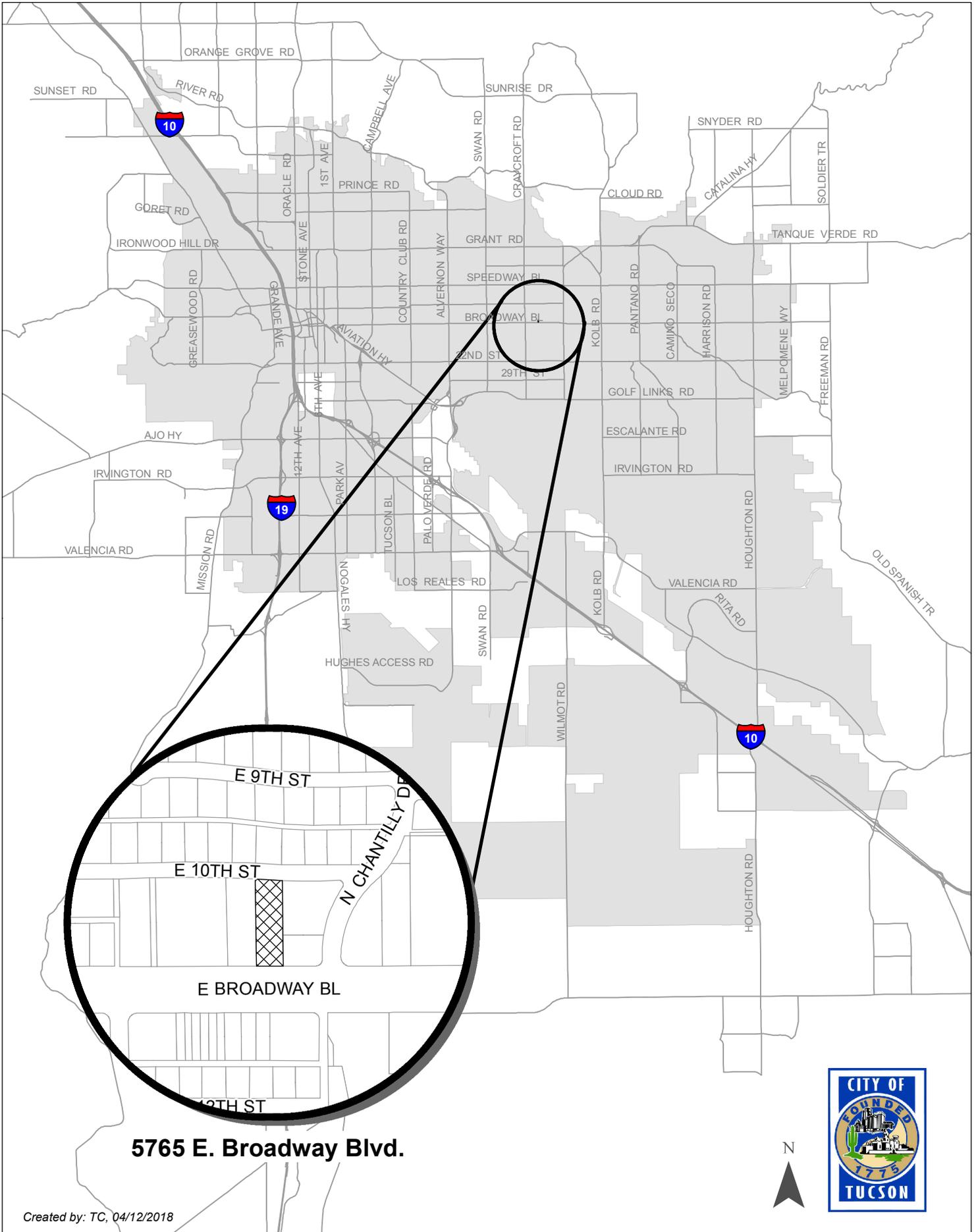
10. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. Minimum six (6) inch wide masonry block or greater shall be used for perimeter walls.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

12. No access shall be permitted to East 10th Street.

C9-18-09 SHK Future Development, LLC

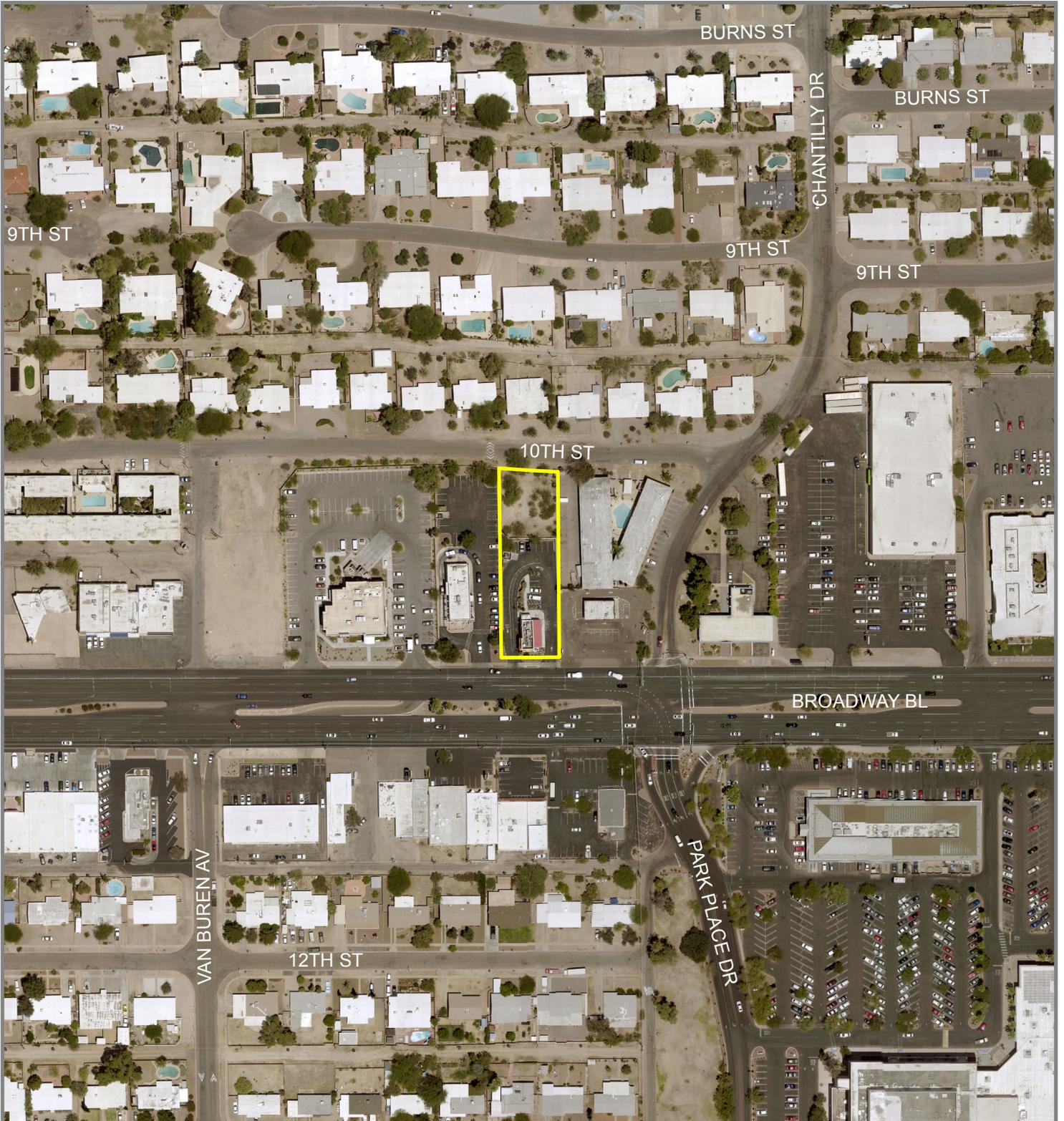
Rezoning Request: From R-1 to C-1



5765 E. Broadway Blvd.



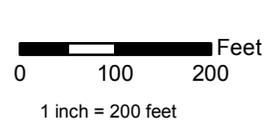
C9-18-09 SHK Future Development, LLC
Rezoning Request: From R-1 to C-1



 Area of Rezoning Request

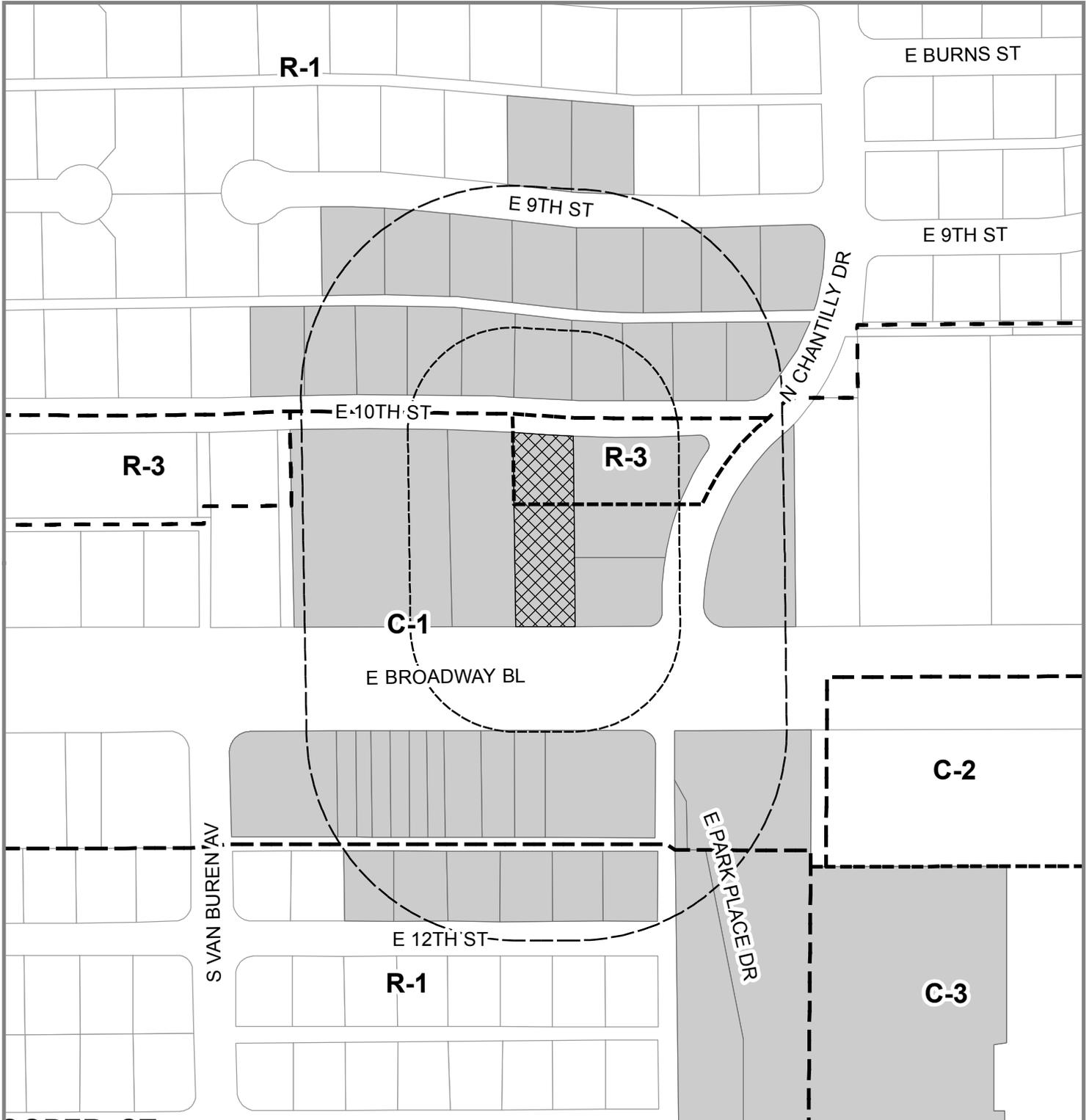


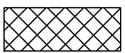
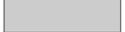
Address: 5765 E. Broadway Blvd.
Base Maps: Twp.14S Range14E Sec. 12
Ward: 6



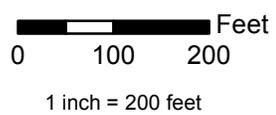
C9-18-09 SHK Future Development, LLC

Rezoning Request: From R-1 to C-1

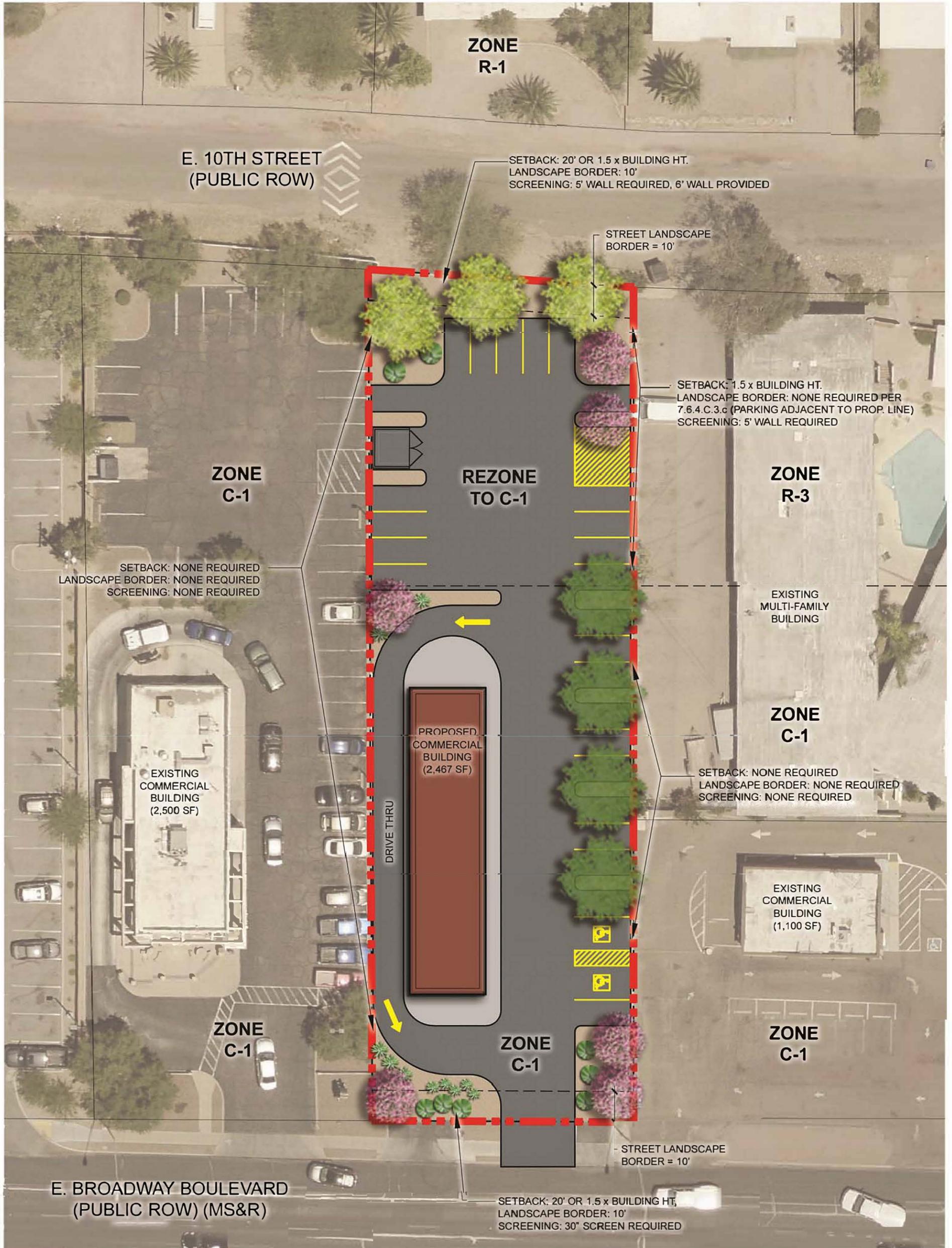


-  Subject Property
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 5765 E. Broadway Blvd.
 Base Maps: Twp.14S Range14E Sec. 12
 Ward: 6



SITE CONCEPT - A (Preliminary Development Plan 4/04/18)



C9-18-09

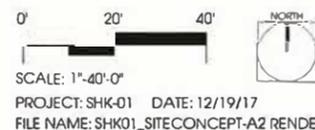
ZONING: C-1

PARCEL AREA: 0.54 ACRES
MAX. BUILDING HEIGHT: 30'
PROPOSED BUILDING: RESTAURANT, 2,467 SF

PARKING REQUIRED (1:100): 25 STALLS
PARKING PROVIDED: 28 STALLS

5765 E. BROADWAY BL.

PARCEL NUMBER: 127-12-2690



PUBLIC FACILITIES AND SERVICES REPORT FOR June 21, 2018
(as of May 22, 2018)

C9-18-09 SHK Future Development LLC – Broadway Blvd., R-1 to C-1

CITY AGENCIES

Environmental Services: See attached comments dated April 26, 2018.
Transportation – Traffic Engineering: See attached comments dated April 10, 2018.
Tucson Airport Authority: See attached comments dated May 1, 2018.
Tucson Real Estate Div.: See attached comments dated May 4, 2018.
Planning & Development Services – Sign Code: See attached comments dated April 24, 2018.
Planning & Development Services – Zoning Review: See attached comments dated May 4, 2018.
Tucson Water Department: See attached comments dated April 27, 2018.

No Objections Noted

Planning & Development Services – Engineering
Planning & Development Services – Historic Preservation Officer
Planning & Development Services – Landscape
Transportation – Engineering
Tucson Fire Department
Tucson Parks and Recreation
Tucson Police Department

NON-CITY AGENCIES- NO OBJECTIONS NOTED

PAG-TPD

Pima County Wastewater: See attached comments dated May 4, 2018 - Standard Condition.
Tucson Unified School District:
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, June 6, 2018 at

<https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>



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 there are protests from 20% of the property owners within 150’ of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150’, then an affirmative vote of ¾ of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-18-09 SHK Future Development – Broadway Boulevard, R-3 to C-1
Ward 6**

_____ APPROVE the proposed rezoning/special exception
I/We the undersigned property owners, wish to PROTEST the proposed rezoning/special exception

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

C9-18-09 mww

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

C9-18-09
IMPORTANT REZONING NOTICE ENCLOSED