



Design Review Board  
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## Legal Action Report (LAR) DESIGN REVIEW BOARD

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [Design Review Board \(DRB\)](#) and to the general public that the Board held the following meeting which was be open to the public on:

**Date and Time: Friday, August 3, 2018 - 7:30 a.m.**  
**Location: Public Works Building, 3rd Floor North Conference Room**  
**201 North Stone Avenue, Tucson, Arizona**

### 1. Call to Order/Roll Call – 7:35 am

Mike Anglin (Chair)	Present
David Marhefka (Vice Chair)	Present
Savannah McDonald	Present
Nathan Kappler	Present

### 2. Call to the Audience – 7:36 am

### 3. DRB-18-08 - Mister Car Wash, 415 North 6<sup>th</sup> Avenue, C-2 (*Continued*)

The applicant's project is located within the Rio Nuevo Area (RNA) Overlay Zone, and is zoned C-1. "Commercial 1". The applicant proposes to rehabilitate and update the historic façade of the original building known as the De Witt Building. The project includes the addition of new windows, landscape planters, a façade on the southern section of the structure.

Tucson Unified Development Code (UDC) Sections applicable to the project include, but are not limited to, Section 2.2.6.C.14 which states that the DRB reviews for recommendation, all proposed development in the Rio Nuevo Area Overlay Zone (RNA), as provided in Section 5.12.7 In formulating its recommendation, the DRB shall apply the design standards in Sections 5.12.7, *Building Design Standards*, 5.12.7.C.1, *Site Design Standards*, and 5.12.F, *RNA*.

At the previous meeting of **April 13, 2018**, the DRB had asked the applicant to:

- Submit shade study with calculations demonstrating the compliance with the RNA standards under the existing conditions or a new plan with changes that would comply with the standards;
- Submit proposal on the infill CMU wall on the rear façade. The DRB was okay with the windows and remaining decision for approval rests with the Historic Board.
- Demonstrate compliance with the RNA Design Criteria: Building Design Standards set forth in UDC Section 5.12.7.C; and
- Demonstrate adequate shade is provided for sidewalks.

### **The Applicant's Request**

At this continued meeting the applicant requested review of three alternatives for infill of the concrete masonry unit (CMU) wall on the rear façade of the building for compatibility with Rio Nuevo Area Overlay Zone design criteria and keeping with the historic flavor of the structure while bringing the project back to its original, historic, nature with a modern edge. The three alternatives included: 1) A mock-up sliding wooden door; 2) A mural depicting a well-known singer; and 3) A mural depicting two dogs leaving the building through the original door opening. The applicant did not have available at the meeting the shade study as requested previously by the DRB.

The DRB discussed the three alternatives for infill of the CMU wall, and expressed their preference for a mural. The DRB also indicated they will need to review the shade study with calculations to ensure compliance with Rio Nuevo Area (RNA) standards.

DRB member Kappler made a motion for the applicant to return to the DRB with the following:

- 1) A shade study that includes calculations or a new plan showing compliance with RNA standards, including a minimum of 50% shade at 2:00 PM;
- 2) Demonstration of compliance with RNA criteria specified in section 5.12.7.C of the Unified Development Code (UDC);
- 3) A design option for infill of the rear CMU wall;
- 4) Shade for sidewalks and pedestrian pathways, using shade structures or vegetation; and
- 5) All previously requested items.

Motion was seconded by Vice Chair Marhefka. Motion passed unanimously.

#### **4. DRB-18-09 – Starbucks Restaurant, 65 West River Road, C-2 (Associated variance request # C10-18-15).**

The applicants is proposing to construct a new, stand-alone, 2, 200 square-foot restaurant with drive-through service in the existing parking lot of the North-Mall Centre, zoned C-2. The site scope includes the removal of an existing 5,500 square-foot vacant restaurant building and associated hardscape. The property is bordered by a residential Pima County TH zone to the west and south, and C-2 zone to the north, east and south.

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 5.3.4.A and 5.3.5.A, which provide the criteria for development in the Scenic Corridor Overlay Zone.

### **The Applicants Request**

The applicant requested variances to allow a reduced building setback from the street property line specific to requirements of the Scenic Corridor Overlay Zone (SCZ), and allow the drive-through lane to be partially within the scenic buffer that extends 30' into the site from the front street property line along River Road, all as shown on submitted plans. The applicant explained that buildable area is very limited on the area of the property along River Road, due to:

- a) Existing driveways;
- b) Existing 44-foot concrete drainage easement;
- c) Existing 10-foot electric easement; and
- d) A 66-foot SCZ setback buffer along River Road.

DRB members discussed with the applicant potential design options on the site to try to maintain the SCZ buffer along River Road with the new development as proposed by the applicant. The applicant explained different iterations for possible locations of the new building were explored, but could not accommodate Starbuck's preferred queue for the drive-through lane, potentially causing overflow onto the surrounding driveways and River Road. Applicant also explained the existing restaurant building location on the northwest portion of the property has proven to be not feasible for food service use in the past 15 years, due to lack of visibility from River Road, because of grade differential, which could not be improved due to drainage restrictions. Applicant indicated the project could replace existing surplus parking spaces at the northwest portion of the property, to enhance the landscaping along River Road.

DRB member McDonald to recommend approval of the project as presented by the applicant, with an additional landscaping along River Road, at the northwest portion of the property, at a ratio of 2:1 of area being taken from the SCZ buffer zone by the drive-through lane. No conditions are recommended for the height variance as requested by the applicant.

Motion was seconded by Vice Chair Marhefka. Motion passed unanimously.

**5. Legal Action Report for May 18, 2018 DRB meeting.**

Chair Anglin entered a motion to modify agenda to add the review of the Legal Action Report from the previous DRB meeting of May 18, 2018. Motion was passed unanimously. DRB reviewed the Legal Action Report and approved it unanimously.

**6. Meeting adjourned.**