

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Glenn Moyer, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: All right. Next case on the agenda
2 this evening, Case No. C9-15-04. Why don't we take two minutes
3 while people leave and let me just state for anybody here on the
4 Popeye's Chicken case, if you're parked in the El Presidio
5 Garage, which is the garage underneath the park outside, that
6 parking deck closes at 8 o'clock. So you may want to move your
7 car if you're parked there.

8 I'll also allow a little, a couple minutes for Mr.
9 Grassinger and Ms. Lee to dismantle their equipment here.
10 All right. Thank you for your patience.

11 The next case is Case No. C9-15-04 Popeye's Chicken,
12 Broadway Boulevard. And if I could get a brief background on
13 this, Mr. Moyer.

14 MR. MOYER: This is a request by Ryan Egan on behalf of
15 the property owners, Heights Properties LLP, to rezone
16 approximately 0.28 acres from R-3 and C-1 to C-1 zoning.

17 The rezoning site is located on the north side of
18 Broadway Boulevard south of 10th Street approximately 375 feet
19 east of Leonora Avenue. The Broadway frontage of the property is
20 zoned C-1, the 10th, or rear portion of the frontage of the
21 property is zoned R-3.

1 The Preliminary Development Plan proposes redevelopment
2 of the site with a new 4,000-square-foot, 26-foot tall single-
3 story drive-through food service and associated pedestrian and
4 vehicular circulation.

5 Land use policy direction for this area is provided by
6 Plan Tucson and the Sewell/Hudlow Neighborhood Plan. The site is
7 identified on the Future Growth Scenario Map of Plan Tucson as a
8 mixed-use corridor. Non-residential uses are supported where the
9 scale and intensity of the use will be compatible with adjacent
10 uses.

11 The Sewell/Hudlow Neighborhood Plan overall goals are
12 to preserve and protect the integrity of established low-density
13 neighborhoods and identify appropriate locations for new
14 development. Commercial development is supported along Broadway
15 Boulevard, including this parcel.

16 The proposed commercial development shown, is shown to
17 be located with greater setbacks than required. Additional
18 screening shall be provided by masonry walls and landscaping in
19 compliance with the code and the above-mentioned plans.

20 Broadway Boulevard is identified as a gateway route on
21 the Major Streets and Routes Plan Map, 10th Street is a local
22 street. The Pima Association of Government's Transportation
23 Planning Division estimates that the proposed development will
24 generate approximately 1,984 vehicle trips per day.

1 Vehicular access to the immediate parcels to the west
2 will be impacted by redevelopment of the subject but should be
3 maintained. The developer should coordinate with the neighboring
4 properties to the west, the Department of Transportation and the
5 City of Tucson Real Estate Department to insure that adequate
6 access is maintained.

7 All necessary street improvements along Broadway,
8 including sidewalks and landscaping, shall be completed at the
9 expense of the developer. Staff recommends there be no direct
10 access to 10th Street, and that is reflected in the Preliminary
11 Development Plan.

12 Access to the east/west alley is a concern due to the
13 future plan median associated with C9-14-03 Broadway Festival-
14 Leonora Avenue, along Leonora Avenue that will direct traffic
15 into the neighborhood to the north. Staff recommends
16 installation of a porkchop island to limit westbound traffic at
17 the northwest corner, all in coordination with the Department of
18 Transportation.

19 Proposed rezoning request is consistent with and
20 supported by the Sewell/Hudlow Neighborhood Assoc- --
21 Neighborhood Plan and Plan Tucson which supports neighborhood
22 commercial uses, including C-1 uses at this location. Subject to
23 compliance with the attached Preliminary Conditions, approval of
24 the requested C-1 zoning is appropriate.

1 As of today, the Planning & Development Services
2 Department has received two approvals, and one protest. The
3 protests equate to a protest by area of 1.6% to the north, and
4 zero percent to the south, east and west.

5 The protest level is noted because if there is a
6 protest of greater than 20% in any one of the four directions
7 around the rezoning site, a three-quarters majority vote of Mayor
8 and Council is required to adopt a rezoning ordinance.

9 ZONING EXAMINER: All right. Thank you, Mr. Moyer.
10 I'm also in receipt of the updated Preliminary Development Plan
11 dated from KBP (sic) on the 16th and stamped by Planning &
12 Development Services today. Mr. Egan.

13 MR. MOYER: Before you go on, there's also the
14 memorandum from Daniel Bursuck dated today where we have
15 recommended an additional condition that responds to the revised
16 Preliminary Development Plan.

17 ZONING EXAMINER: And I do have that. And it is part
18 of the record. Thank you.

19 MR. EGAN: Hello, sir. I'm Ryan Egan. I'm here to
20 represent Heights Properties. I think that Glenn did a pretty
21 good job. I'd just like to add that as the developer we are
22 happy to comply with and support all of the Staff's notes, and
23 we'll incorporate them into our plan.

24 ZONING EXAMINER: All right. Let me just check the red
25 line from the revised conditions that you're in agreement with.

1 That includes the Condition 33 regarding the trash enclosures,
2 which is indicated on the PDP dated September 17th, is that
3 correct?

4 MR. EGAN: Yes, sir. That relocation closer to the
5 building further south. Yes, sir.

6 ZONING EXAMINER: As well as any other changes on the
7 modified - is that the only change? I thought there was another
8 of this, the added condition. That's the 50-foot setback for
9 that. Okay. Got it. So that's, the memorandum is on Condition
10 33, not additional to Condition 33. All right.

11 MR. MOYER: Mr. Kafka?

12 ZONING EXAMINER: Yes.

13 MR. MOYER: Just for the record. Condition 1 is
14 changed, too, because it changes the date of the Preliminary
15 Development Plan.

16 ZONING EXAMINER: Yes. Okay. Yeah, thank you for
17 pointing that out. The conditions are also changed to reflect
18 the date. It's Conditions 1, 7 and 11.

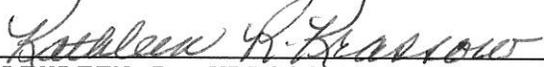
19 All right. Anybody else wishing to speak on Case No.
20 C9-15-04? All right. Seeing no one wishing to speak on Case No.
21 C9-15-04, taking the recommended revised conditions by Staff into
22 the record, that case is hereby closed. Thank you. And, again,
23 thank you for your patience for sitting through the other one
24 first.

25 (Case No. C9-15-04 was closed.)

Case: C9-15-04 Popeye's Chicken, Broadway Boulevard (Ward 6)
City of Tucson Zoning Examiner Public Hearing 09/17/15

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 09/23/15



KATHLEEN R. KRASSOW - Owner
M&M Typing Service