



# MEMORANDUM

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DATE: July 26, 2013  
For August 1, 2013 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Ernie Duarte   
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-13-03 – Heights Properties – Broadway Blvd., R3/C-1 to C-1 (Ward 6)

**Issue** – This is a request by Jim Egan, on behalf of the property owners, Heights Properties, LLP, to rezone approximately 0.55 of an acre, from R-3 (high density residential) and C-1 (neighborhood commercial) zoning to create one consistent C-1 zoning designation on the subject parcel. The rezoning site is located on the north side of Broadway Boulevard, south of 10th Street, approximately 535 feet east of Leonora Avenue and 315 feet west of Chantilly Drive (see Case Location Map). The Broadway frontage of the property is zoned C-1. The rear (10<sup>th</sup> Street) frontage is zoned is R-3. The preliminary development plan proposes to clear the buildings and improvements and redevelop the site with a new 6,242 square foot, 25' foot tall single story, sit-down restaurant and associated pedestrian and vehicle circulation. Access to the site is proposed to be limited two ingress/egress driveways along Broadway Boulevard.

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

## **Background Information**

Existing Land Use: vacant commercial structures.

### Surrounding Zones and Land Uses:

North: Zoned R-1; single-family residential

South: Zoned C-1; neighborhood commercial

East: Zoned C-1; neighborhood commercial

West: Zoned R-3/C-1; high density residential and neighborhood commercial

Previous Cases on the Property: none

Related Cases:

C9-90-03 Marglen, Inc – Broadway Boulevard, R-3 to B-1 (now C-1) This was a rezoning request for acres located 225 feet west of Chantilly, adjacent to the proposed rezoning site, to allow the development of a business use and consistent zoning pattern on the site. On July 2, 1990 Mayor and Council adopted Ordinance No. 7447 and the development plan was recorded on July 2, 1990, effectuating the requested zoning.

C9-11-02 Circle K – Speedway Boulevard, R-1 to C-1 This was a rezoning request for 0.18 of an acre located at 175 feet east of Craycroft Road, on 1<sup>st</sup> Street to allow the development of Circle K convenience store and gas station with 8 fueling dispensers for 16 vehicles. On December 16, 2011, Mayor and Council adopted Ordinance No.1 0923, a development plan was recorded, effectuating the requested zoning.

**Applicant’s Request** –The applicant is proposing to rezone approximately 0.55 of an acre from R-3 to C-1 to allow for expanded parking for a sit-down restaurant use. This action will allow for the redevelopment of an existing C-1 property.

**Planning Considerations**

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

*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.

*General Plan (GP)*: Policies support compatible development, including nonresidential uses, where the scale and intensity of use will be compatible with adjacent uses. Appropriate development is promoted with priority in the existing urbanized area, to promote use and improvement of existing infrastructure Neighborhood identity, visual character, and quality in design are promoted, for all new development. Element 2 (Land Use), Policy 3 calls out the protection of established residential neighborhoods by supporting compatible development. Supporting Policies 3.5 & 3.9 support nonresidential uses along major streets where the scale and intensity of the use will be compatible with adjacent uses. Policy 5 supports appropriate locations for commercial to promote use and improvement of existing infrastructure. Supporting policies 5.2 & 5.6 support the development of commercial uses, including expanding commercial areas into adjoining residential areas to be adequately screened and buffered. Element 4

(Community Character and Design), Policy 5 promotes neighborhood identity and visual character. Supporting Policy 5.3 supports infill projects that reflect sensitivity to site and neighborhood conditions... Element 6: (Conservation, Rehabilitation, and Redevelopment), Policy 2 protects established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

The proposed redevelopment of the site is in substantial compliance with the existing policy guidance of the *General Plan* and the *Sewell-Hudlow Neighborhood Plan*. The PDP exhibits reflect the general intent of the plan elements and supporting policies.

The total site area is 1.423 acres. The northern third of the parcel is approximately 0.55 of an acre, and is currently zoned R-3. The remainder of the site is zoned C-1. The proposed PDP reflects a street frontage with sidewalk and landscaping consistent with plan direction to allow development along Broadway Boulevard. Residential properties to the north of this site, across 10<sup>th</sup> Street, are developed as single story single-family residences. The proposed commercial building shown to be located at greater than required setbacks to reduce the impacts on the neighboring residential uses. Additional screening shall be provided by masonry walls and landscaping in compliance with the code and the abovementioned plans. The property to the east of this site is developed with a fast food restaurant and those to the south and west are developed as a variety commercial uses. Based on existing developments, commercial is an appropriate zone at this location and a sit-down restaurant blends well with surrounding character. The established land use along the Broadway corridor is generally stable in nature and has seen revitalization over the last decade. The proposed property is located within the Rio Nuevo Multipurpose Facilities District.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 313 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 located along a Gateway Arterial within a long established area of strip commercial development. Within the rezoning site redevelopment will address vehicular access, circulation, and parking issues that are endemic to the entire strip. Vehicular access to the neighboring parcels to the immediate west of the subject parcel will be impacted by the redevelopment on the subject parcel but should be maintained. The proposed PDP reflects additional buffering and landscaping along the northern property line to assist in mitigation for the residential properties north of 10th Street.

Drainage/Grading/Vegetation – The development process will bring the parcel into compliance with current City of Tucson engineering codes, guidelines and manuals for stormwater detention/retention and grading. The development plan process will also address the landscape bufferyards and planting materials to enhance the overall visual impact of the proposed sit-down restaurant.

Road Improvements/Vehicular Access/Parking – The proposed sit-down restaurant will front onto Broadway Boulevard, a six-lane divided roadway with raised medians and one multi-use lane. Ingress and egress to the site has been tentatively approved by the Transportation Department for two driveways and one median opening. The median opening will be installed at the developer's expense. The development plan process will clarify the driveway locations, set-backs from existing access points and ensure that all engineering standards are met. Parking is being provided in excess of that required by the UDC. There will be no access to 10<sup>th</sup> Street.

Heat Island Mitigation – The City of Tucson promotes sustainable development, mitigation of Urban Heat Islands, and green building principles in the City's Framework for Advancing Sustainability, adopted in 2008. Impervious surfaces, such as paved roadways, parking areas, and rooftops contribute to increasing urban heat islands which can have detrimental health effects. Increasing reflectivity of these paved surfaces, and providing shade or pervious surfaces mitigates the heat absorption quality of dark pavement. As a condition of rezoning, staff recommends incorporating reflective, pervious paving materials in pedestrian areas and adjacent to planting areas. The use of cool-roof-rated materials such as Energy Star-rated is also required. Canopy trees will be provided for every four parking spaces to decrease the Urban Heat Island Effect. Providing a healthy root zones helps trees reach their potential maximum canopy capacity. Staff recommends tree root zone to have a minimum of 300 cubic feet (no deeper than 3 feet) of uncompacted (less than 90%) soil. Ninety-five percent or greater compaction is permitted if utilizing structured/engineered soil that permits compaction while allowing root development.

Conclusion – The proposed rezoning request is consistent with, and supported by the *Sewell Hudlow Neighborhood Area Plan* and the *General Plan* which support medium- to high-density residential, low-rise office, and neighborhood commercial including C-1 uses at this location. 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 plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 2-06 of the Unified Development Code.
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”.
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. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATABILITY

7. Buildings and all structures shall be setback no less than fifty feet (50) from the residential properties along the north property line as indicated on the PDP dated 5/15/13.
8. Building facades shall consist of four sided architectural character and detail comparable to the front façade, including but not limited to color palette, non-glare roof material/lines, and exterior materials and to complement residential development in the area. A color palette and dimensioned elevation drawings on 11"x17" shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
9. Six foot (6) high masonry wall shall be constructed along the entire north residential edges, as identified on preliminary development plan dated 5/15/13.
10. A minimum ten foot (10) wide landscape border shall be provided along the entire north property line as indicated on the PDP dated 5/15/13.
11. All screen walls all walls shall be of no less than six (6) inch wide masonry material. Screen walls visible from a public street right-of-way 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.
12. The owners/developers shall ensure that graffiti is removed within five working days of discovery.

13. The existing 20' tall nonconforming pole sign on the site must be removed during the re-development of the property.
14. All outdoor lighting, both wall and pole mounted shall be full cutoff, directed down and shielded away from adjacent residential properties located to the north. Pole lights shall not exceed the height of any adjacent building.
15. All pedestrian paths required to cross or occur within PAALS shall be identified clearly and distinguished from vehicular areas by materials such as but not limited to; brick, concrete pavers, scored or patterned colored concrete, textured and raised surfaces, or other materials as may be approved by the Department of Planning and Development Services staff.
16. Install a 6' sidewalk along the subject parcel frontage. The standard width transition shall be provided to connect to existing sidewalks.

#### DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

17. A Drainage Statement shall be submitted, including details of onsite and offsite drainage, flow stability within Wrightstown Wash, and the provision of waterharvesting and/or runoff retention.
18. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition: Provide materials with building permit application and reference rezoning case number C9-13-03.
19. Roofing material to be either Energy Star rated or rated as a cool roof (initial solar reflection greater than, or equal to, 0.65 and minimum infrared emittance greater than or equal to 85%); placement and utilizing energy of solar panels on the roof will be considered an acceptable alternative.
20. Parking: No more than 30% over the required parking spaces shall be provided on the rezoning parcel. Excess parking area to be converted and incorporated into landscaped areas and/or water harvesting infiltration areas. Paving with pervious paving will be considered an acceptable alternative to allow 30% over the required parking spaces. Shade structure with solar panels will also be considered an acceptable alternative to allow for the additional parking.

#### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

21. Dedication, or verification of existence, of right-of-way, per the Major Streets and Routes Plan, along Broadway Boulevard site frontage is required.

C9-13-03 – Heights Properties – Broadway Blvd., R3/C-1 to C-1 (Ward 6)

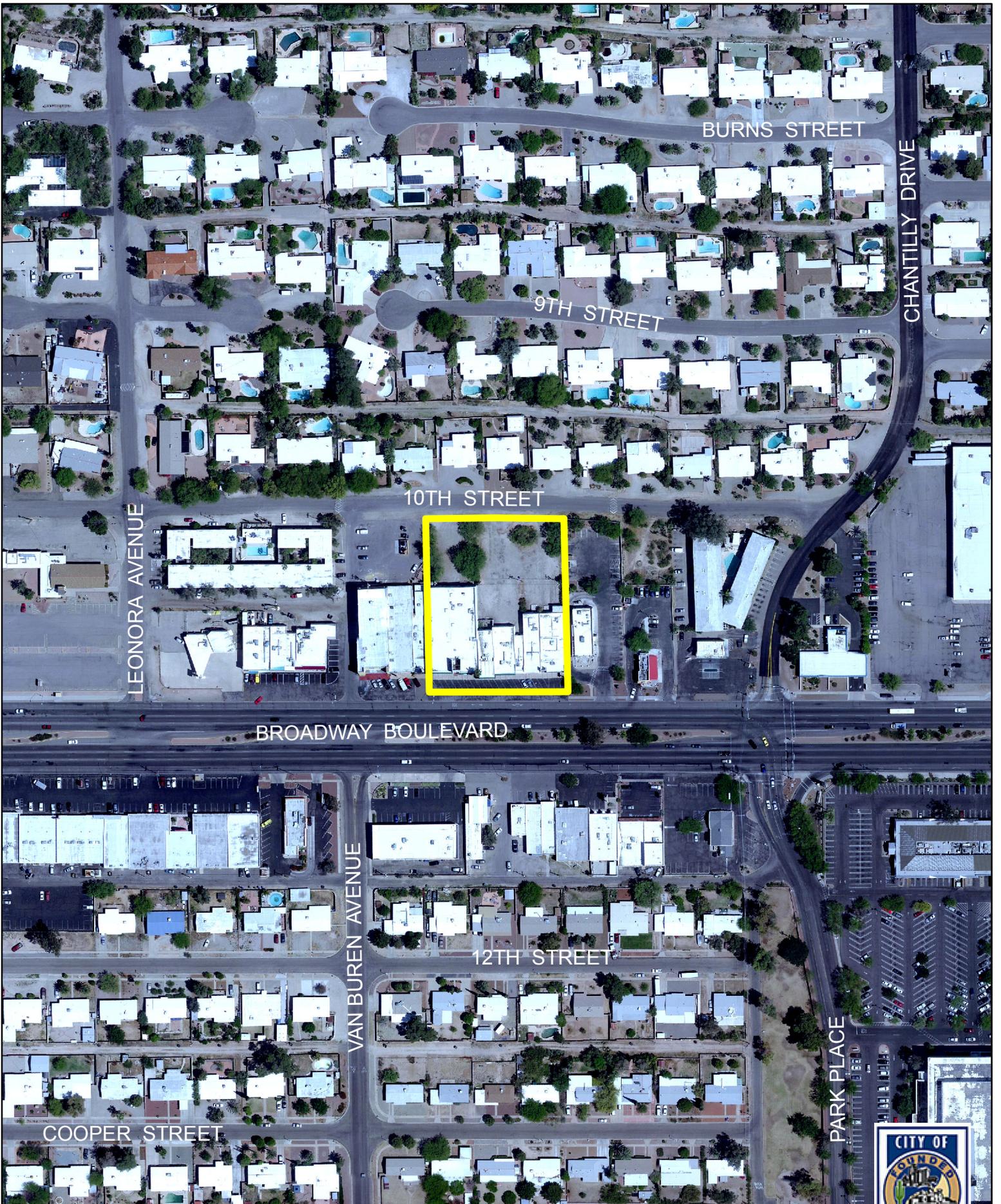
22. A new 6 foot wide ADA accessible sidewalk shall be constructed where necessary along the adjacent Broadway Boulevard street frontages at no cost to the City of Tucson to provide continuous pedestrian circulation.
23. A Traffic Impact Study shall be submitted during the review process providing an analysis for potential off-site improvements.
24. All offsite improvements required with this development such as two driveways, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation to establish proper location(s) of the offsite improvements.
25. No access to Tenth Street.
26. The proposed structure/use will be required to have an approved automatic fire sprinkler system and a fire alarm system. The entire project will be required to comply with the 2012 IFC with local amendments at time of building permit submittal.

# C9-13-03 Heights Properties - Broadway Boulevard



**5725 E. Broadway Blvd**





**C9-13-03 Heights Properties - Broadway Boulevard**  
2010 Aerial



0 50 100 200  
Feet  
1 inch = 200 feet



# C9-13-03 Heights Properties - Broadway Boulevard

## Rezoning Request: from R-3,C-1 to C-1



- Area of Rezoning Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries



Address: 5725 E. Broadway Boulevard  
 Base Maps: Sec.12 T.14 R.14  
 Ward: 6



**PUBLIC FACILITIES AND SERVICES REPORT FOR August 1, 2013**  
(July 1, 2013)

**C9-13-03 – Heights Properties – Broadway Blvd.,  
R3/C-1 to C-1  
CITY AGENCIES**

**Planning & Development Services – Community Design:** See attached comments dated June 17, 2013.  
**Planning & Development Services – Engineering:** See attached comments dated June 17, 2013.  
**Planning & Development Services – Sign Code:** See attached comments dated June 7, 2013  
**Office of Conservation & Sustainable Development:** See comments dated June 14, 2013  
**Transportation – Traffic Engineering:** See attached comments dated June 19, 2013.  
**Tucson Fire Department:** See attached comments dated June 10, 2013.

**No Objections Noted**

**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Planning & Development Services – Landscape**  
**Planning & Development Services – Zoning Enforcement**  
**Planning & Development Services – Zoning Review**  
**Transportation – Engineering**  
**Tucson Parks and Recreation**  
**Tucson Police Department**  
**Tucson Water Department**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 313 vehicle trips per day.

**No Objections Noted**

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

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, at  
[http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



Place

Stamp  
Here

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

**C9-13 -03**

Expose this flap - Affix stamp and return

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

**C9-13 -03**  
IMPORTANT REZONING NOTICE ENCLOSED