



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

October 2, 2015

**C9-15-02 Broadway Village – Eastborne Avenue
Rezoning O-3 to P
Public Hearing: September 17, 2015**

BACKGROUND

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.

Land use policy direction for this area is provided by *Plan Tucson*, the *Arroyo Chico Area Plan* and the *Broadmoor-Broadway Village Neighborhood Plan*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer also commented that six written approvals and no written protests were received.

Michael Grassinger, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning.

FINDINGS OF FACT

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. 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.

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 satisfy the conditions placed on the amendment to the *Broadmoor-Broadway Village Neighborhood Plan*. The minor amendment was approved by the Planning and Development Services Director on July 2, 2015. The minor amendment will not take effect unless this rezoning case is approved by Mayor and Council.

**C9-15-02 Broadway Village – Eastborne Avenue
Rezoning: O-3 to P**

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.

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. 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.

This specific access location of the parking lot 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.

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.

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

C9-15-02 Broadway Village – Eastborne Avenue
Rezoning: O-3 to P

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.

The *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 *BBVNP* also specifies that a parking use shall be allowed only if three conditions of "any approved rezoning becoming effective" are met. These are:

- (1) that the "Broadway Village Shopping Center shall agree to a designation as a City historic landmark" and complete the process for that designation;
- (2) that the Broadway Village Shopping Center "shall contribute" \$10,000 to the Broadmoor-Broadway neighborhood to fund National Historic District designation efforts; and
- (3) that Broadway Village Shopping Center will not build out an additional 10,000 square feet that they are otherwise entitled to under the Plan.

The Broadway Village PAD states that there are three commercial structures in the "shopping center." However, in the rezoning request for the parking lot parcel and the related amendment to the PAD, the applicant only agreed to designate two of the buildings as Historic Landmarks. The applicant has not included the Werner Baz designed building on the west side of the shopping center (designated as Building A in the PAD) in its Historic Landmark designation. Applicant indicates that the Baz building was a later annex to the shopping center and not part of the definition of Broadway Village Shopping Center. Moreover, it is noted that the Baz building was not eligible for historic status at the time the application for the Broadway Village Shopping Center PAD was initiated. Damian Clinco of the Tucson Historic Preservation Foundation urges that the term "Broadway Village Shopping Center" used in the *BBVNP* includes the Werner Baz building (and this is supported by the PAD language); that the building itself has become eligible for individual listing on the Historic Register since the approval of the Broadway Village PAD, and that the rezoning is thus not consistent with the conditions spelled out in the *BBVNP*.

C9-15-02 Broadway Village – Eastborne Avenue
Rezoning: O-3 to P

The Mayor and Council adopted the amendments to the *BBNVP* regarding the Broadway Village Shopping Center Historic Landmark designations. The amendments adopted specify that an approved rezoning shall not become effective until Historic Landmark designation processes for the shopping center are complete. The Plan amendment, however, does not identify which buildings need to be included in the designation or that the conditions must be met prior to a Zoning Examiner recommendation. It only requires that the conditions must be met for any approval to become effective. Thus, if Mayor and Council intended the Baz building to be included in the plan amendment conditions of the *BBVNP* amendment, they may require historic landmark designation of that building prior to the approved rezoning becoming effective by way of ordinance adoption. An analysis of whether P zoning can be recommended for the subject parcel does not require a determination by the Zoning Examiner of which buildings are to be included as Historic Landmarks in the adjacent PAD.

CONCLUSION

The proposed land use is consistent with the *Plan Tucson*, the *Broadmoor-Broadway Village Neighborhood Plan* and the *Arroyo Chico Area Plan*, as amended February 4, 2015. Subject to compliance with the attached preliminary conditions, P zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of P zoning.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

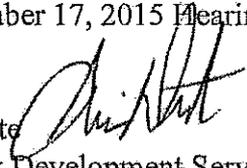
Public Hearing Minutes
Rezoning Staff Report



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.