



Zoning Examiner

Preliminary Report

June 13, 2024

Keri Silvyn
Lazarus & Silvyn, PC
5983 E. Grant Road, Suite 290
Tucson, AZ 85712

SUBJECT: TP-ENT-0424-0009 Speedway & Rosemont Rezoning – E Speedway Blvd, R-2 and C-2 to C2 (Ward 6)

Public Hearing: June 6, 2024

Dear Ms. Silvyn:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case TP-ENT-0424-0009 Speedway & Rosemont Rezoning – E Speedway Blvd, R-2 and C-2 to C2 (Ward 6)

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

**TP-ENT-0424-0009 Speedway & Rosemont Rezoning – E Speedway Blvd, R-2 and C-2 to C2
(Ward 6)**



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SUMMARY OF FINDINGS

Issue – This is a request by Lazarus & Silvyn, P.C. to rezone approximately 0.69 acres of property. The property is currently split-zoned between C-2 (Commercial) and R-2 (Residential) zoning. The Applicant proposes to consolidate the two parcels and rezone the southern portion to C-2 to allow for a commercial use across the entire property.

The subject location is 5050 E Speedway Blvd, at the southwest corner of the intersection of Speedway Blvd and Rosemont Blvd. Speedway Blvd is identified as an arterial route in this area, and Rosemont Blvd is identified as a collector, per the *Major Streets and Routes Plan*.

The proposed preliminary development plan (PDP) shows two potential concepts for the site. One plan proposes a food service use with an approximately 2,250 square-foot building in the northeast quarter of the site, with a height of 20 feet. The second PDP shows an automotive repair bay, 4,830 square feet with a 20-foot height on the eastern half of the property. Rezoning the southern portion of the site to C-2 and consolidating the parcels allows for the site to be meaningfully developed, as the current zoning and parcel sizes limit the development potential of the site.

Public Outreach – On Wednesday, March 13, 2024, at 6:00pm the Applicant held a neighborhood meeting at the Ward 6 Council Office. The meeting was noticed by mailers sent out two weeks in advance, with labels provided by the Planning and Development Services Department using County Assessor's parcel data.

The project team and approximately 18 neighbors were in attendance. The attendees asked questions about traffic impacts, screening, and commercial use of residential streets, all of which were addressed by the Applicant team.

Background Information

Existing Land Use: There is currently a bar (The Bambi) on the larger of the two parcels, and the smaller parcel closer to the intersection is often used by a food truck.

Zoning Descriptions:

Existing:

Commercial C-2: This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.



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Residential R-2: This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Proposed:

Commercial C-2: This zone provides for general commercial uses that serve the community and region. 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:

The project location is split zoned, and the surrounding zoning reflects this, as the C-2 portion on the northern portion of the site has C-2 zoning to the north, east and west, and the R-2 zoned southern portion of the site has R-2 zoning to the east, south, and west.

The following land uses exist around the project location.

North: Speedway Boulevard, with an office opposite.

East: Rosemont Boulevard, retail, auto detailing shop opposite.

South: Single family residential across 1st Street.

West: Automotive sales along Speedway Blvd, with single-family residential facing 1st Street.

Applicant's Request – C-2 (Commercial) zone is requested for development of either a food service or automotive repair use.

Planning Considerations – *Plan Tucson* and the *Broadway-Craycroft Area Plan* provide policy direction for the rezoning site.

Plan Tucson:

The project site is located in an area identified on Plan Tucson's Future Growth Scenario Map as Mixed-Use Corridors building block. Mixed-Use Corridors provide a higher-intensity mix of jobs, services, and housing along major streets. The business and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities.

This building block promotes commercial consolidation in conjunction with street widening as a means to preserve the vitality of the street frontage and adjacent neighborhood, and the placement of neighborhood commercial uses at the intersection of arterial and collector streets.



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Broadway-Craycroft Area Plan (BCAP):

The *BCAP* Land Use Concept Map indicates the subject parcels are appropriate for commercial consolidation. *BCAP*, Policy 2 encourages non-residential development which is cohesive and integrated with adjacent non-residential use. Section 2C supports the rezoning request as the parcels are bounded on at least two sides by non-residential uses. In addition, most of the area currently zoned R-2 will be used for parking, maneuvering, and landscaping. The proposed uses also include a 10-foot landscaping buffer from the west and south.

Design Considerations

The Applicant has submitted two preliminary development plans, for either food service or automotive repair use, both with a building height of 20 feet.

The food service plan shows one 2,250 square-foot building and the automotive repair use shows a 4,830 square-foot building. Both are situated to the northeast corner of the parcel, with room given for landscape buffering, and a drive-thru lane in the food service case. In both cases vehicle access and parking is along the west and south sides of the parcel, with vehicular access from Speedway Blvd and Rosemont Blvd. Trash enclosures are to the immediate south of the building in both cases.

Land Use Compatibility – The rezoning request to C-2 is to allow for the consolidation of the two parcels with C-2 zoning across the entire area to allow for meaningful commercial development. The PDP Conceptual sites show that a 10-foot landscape buffer is to be set on the property edge to the west and south, and no access is proposed to 1st street. The proposal shows that a 6-foot CMU wall will be placed along the western boundary where it is adjacent to the residential lot facing 1st St. Additionally, a 5-foot landscape screen will be along the southern edge of the parcel. Solid waste enclosures are not located in a way to create a nuisance to neighboring properties. The placement of the proposed buildings is as far away from any adjacent residential use as possible, limiting the impact of noise intrusion and preserving privacy.

The site plans show that considerations have been made to adjoining uses within the constraints of the parcel size and access point locations. Driveway placement on Speedway Blvd is limited due to the proximity of the intersection with Rosemont Blvd, which limits building placement to roughly the northeast quarter of the parcel. This is reflected in both variations of the preliminary development plan.

In the food service proposal, drive-thru lanes are along Rosemont, with windows and speakers facing east towards existing commercial uses. The waste enclosure further shields the drive-thru speaker noise from the residential use to the west.



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The automotive repair use has bay doors open to the west as bays facing east are not feasible within the constraints imposed upon the site. Most of the doors are facing the automotive sales use closer to Speedway Blvd, while three of them still open towards the residential parcel to the west. The CMU wall and landscape border along the west edge of the parcel are designed to minimize noise intrusion to neighboring residential use, and as a condition of the rezoning there will be limited hours of operation for automotive service uses.

Signage and Outdoor Lighting – The project will comply with the outdoor lighting code, and all onsite lighting will be shielded and directed downward. No bright lights or spot lighting will be installed. Final lighting types and locations will be detailed in the development review process.

Signage on the property will be subject to the sign standards of the Unified Development Code.

Drainage/Grading – Post-development drainage of the site aims to maintain existing drainage characteristics. The inclusion of stormwater detention basins on-site will reduce the impact to areas around the perimeter of the property.

Road Improvements/Vehicular Access/Circulation – This project will have access from Speedway Boulevard and Rosemont Boulevard.

The food service use is expected to generate 1,052 daily trips throughout a typical weekday, with an AM peak of 100 per hour, and PM peak of 74 trips per hour. Automotive use would generate much less traffic in comparison, with only 150 total daily trips. Sidewalks are proposed along the north and east edges of the property.

Per UDC Standards, the food service use would require 23 parking spaces, and the automotive use would require 17. There are 27 parking spaces proposed in both the provided preliminary development plans.

June 6, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the June 6, 2024, Zoning Examiner hearing. Five other persons spoke. Three of the speakers expressed enthusiastic support for the redevelopment of the site, noting that “it will raise the bar to have something nice” on the site, and it will “clean up and improve” the area of Speedway near the site. Two other speakers asked questions about the proposed development, which were answered by the Applicant’s representative.

As of the date of the June 6, 2024, Zoning Examiner hearing, there were four (4) written approvals and one (1) written protest.



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Conclusion

The Zoning Examiner recommends approval of the requested rezoning, subject to the preliminary conditions proposed by PDSD.

Sincerely,

John Iurino

Zoning Examiner

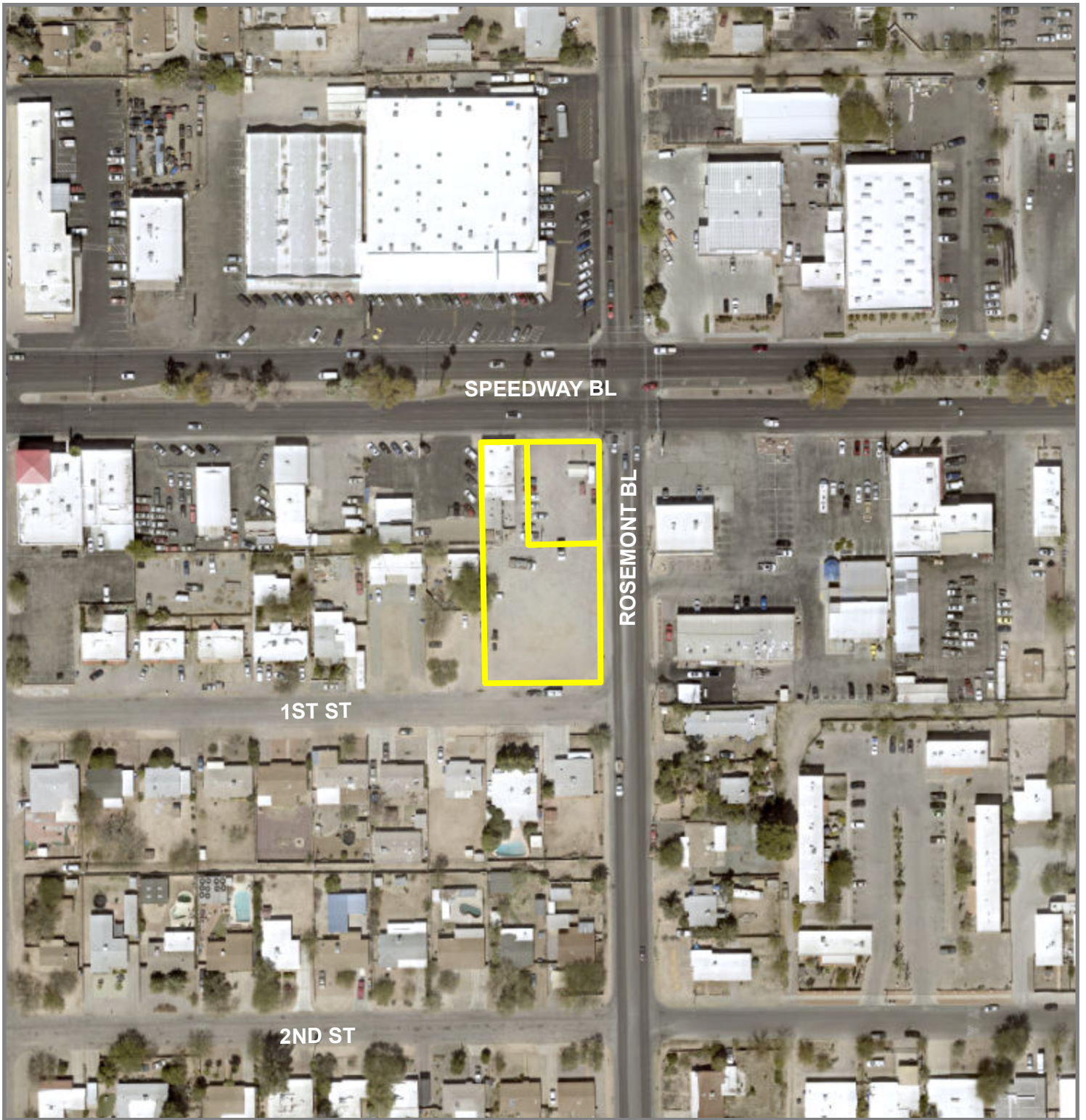
ATTACHMENTS:

Case Location Map

Rezoning Case Map

Cc: Mayor and Council

TP-ENT-0424-00009 R-2 and C-2 to C-2



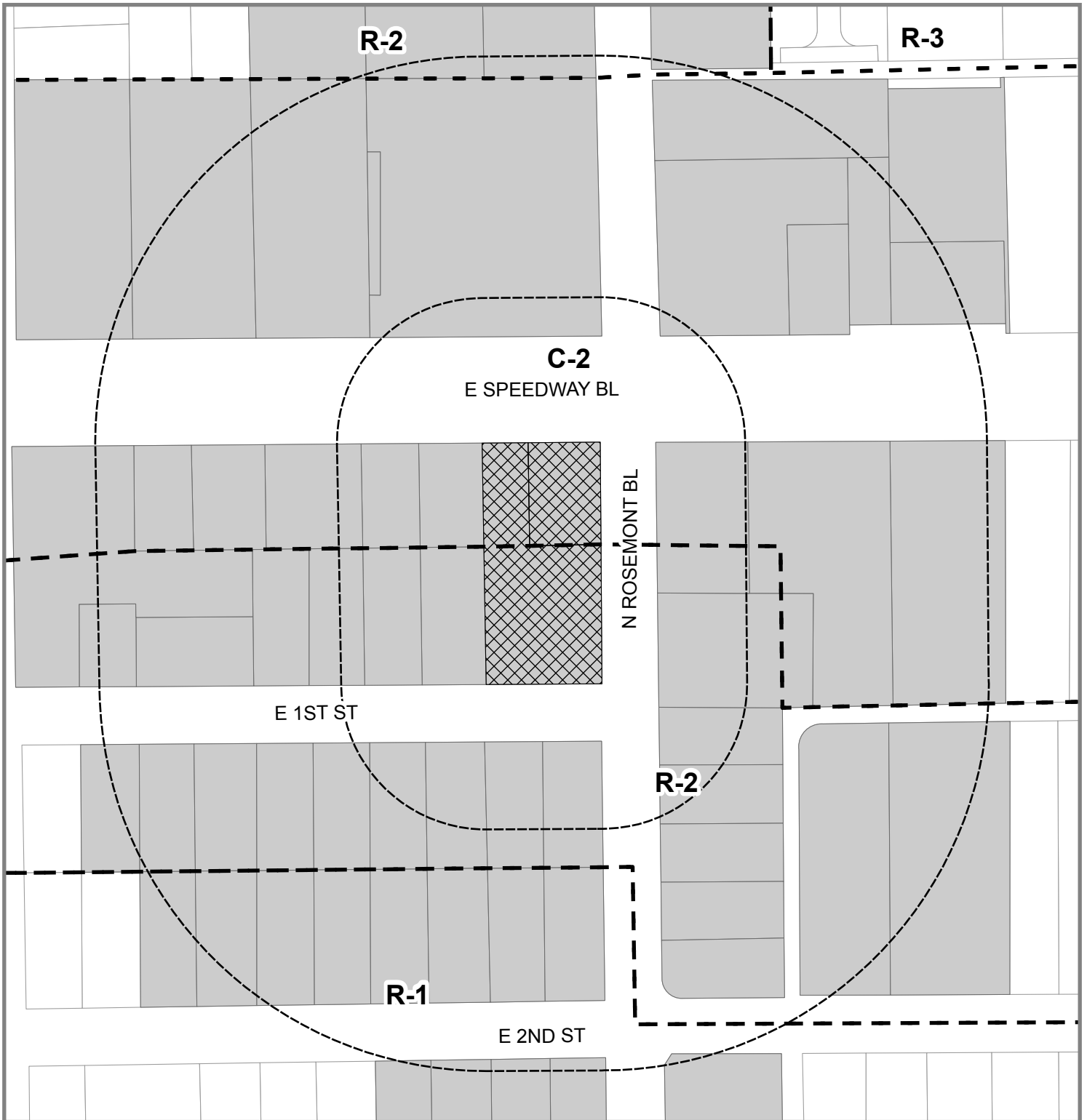
 Area of Rezoning

Address: 5050 E SPEEDWAY BL
Base Maps: Twp. 1403 Range 1402 Sec. 11
Ward(s): 6

0 70 140 Feet
1:1,734



TP-ENT-0424-00009 R-2 and C-2 to C-2



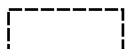
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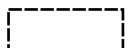
Zone Boundaries



Properties Notified



400' Notification Area



Protest Area (150 ft. Radius)

Address: 5050 E SPEEDWAY BL
Base Maps: Twp. 1403 Range 1402 Sec. 11
Ward(s): 6

