



Zoning Examiner

Preliminary Report

July 27, 2023

Thomas Warne
TWW Investments, LLC
70 W. Cushing Street
Tucson, AZ 85701

**SUBJECT: TP-ENT-0223-00012–Broadway/Rosemont Apartments –
Broadway Blvd. R-1 to OCR-1 (Ward 6)**

Public Hearing: July 20, 2023

Dear Mr. Warne:

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-0223-00012– Broadway/Rosemont Apartments – Broadway Blvd, R-1 to OCR-1 (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-0223-00012–Broadway/Rosemont Apartments – Broadway Blvd. R-1 to OCR-1



Zoning Examiner

SUMMARY OF FINDINGS

This is a request by Thomas Warne from TWW Investments, LLC, on behalf of the property owner, Broadway-Rosemont LLC, to rezone 6.02 acres of a 7-acre parcel from R-1 Residential and C-1 Commercial to OCR-1 Office/Commercial/Residential, for the construction of a multi-family development with 222 market-rate apartments. The proposal includes six 45-foot-high buildings, two 26-foot-high buildings, and a two-story-high clubhouse.

The subject site is at the southwest corner of Broadway Blvd. and Rosemont Blvd. (see Case Location Map). Because the current R-1 zoning on the property allows a maximum of two residences per lot, and because the current C-1 zoning on the property allows for a maximum height of 25 feet, the request to rezone to OCR-1 would allow the proposed density of 37 residences per acre at a maximum height of 45 feet.

Background Information

Existing Land Use: Vacant

Zoning Descriptions:

Existing: Urban Residential Zone (R-1) – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services.

Proposed: Office/Commercial/Residential (OCR-1) – This zone provides for high-rise development that serves the community and region and is located in major activity centers or at transit centers. A mix of development types is encouraged, including office, commercial and high-density residential uses.

Adjacent Zones and Land Uses:

North: Zoned C-1 and O-3; office use, across from Broadway Blvd.

South: Zoned R-1; single-family residential

West: Zoned O-3 and R-1; multi-family residential

East: Zoned PAD-1 Williams Addition Planned Area Development; mixed uses



Zoning Examiner

Project Background – Broadway-Rosemont LLC is seeking to develop the vacant site with multifamily. The project is designed as a gated apartment community with studio, one and two-bedroom apartments, community room, pool, outdoor garden area, solar-ready covered parking spaces, and electric vehicle charging stations.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and the *Broadway-Craycroft Area Plan*.

Plan Tucson - The site lies within a Mixed-Use Corridor in the Future Growth Scenario Map in *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*'s provides direction through the following policies:

LT1: Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character.

LT3: Support development opportunities where:

- a. residential, commercial, employment, and recreational uses are located or could be located and integrated
- b. there is close proximity to transit
- c. multi-modal transportation choices exist or can be accommodated
- d. there is potential to develop moderate to higher density development
- e. existing or upgraded public facilities and infrastructure provide required levels of service
- f. parking management and pricing can encourage the use of transit, bicycling, and walking

LT4: Ensure urban design that:

- a. is sensitive to the surrounding scale and intensities of existing development
- b. integrates alternative transportation choices, creates safe gathering places, and fosters social interaction
- c. provides multi-modal connections between and within building blocks
- d. includes ample, usable public space and green infrastructure
- e. takes into account prominent viewsheds

LT9: Locate housing, employment, retail, and services in proximity to each other to allow easy access between uses and reduce dependence on the car.



Zoning Examiner

LT28.6.2 High-density (greater than 14 units per acre) residential development is generally appropriate where primary vehicular access is provided to an arterial street and is directed away from the interior of low-density residential areas.

LT28.6.11 Support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

LT28.6.13 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill, and appropriate nonresidential uses.

LT28.6.14 Consider residential development with densities that complement the size and intensity of the center or node, while providing transitions to lower density residential uses. For example, high- and medium-density development can support and reinvigorate regional activity centers, while appropriate medium- and low-density infill can complement the scale and character of neighborhood activity nodes.

Additionally, *Plan Tucson*'s policies H2 and H11 encourage residential development, including both market rate and affordable housing projects in Tucson.

Broadway-Craycroft Area Plan –The *Broadway- Craycroft Area Plan* identifies the project site in its Non-Residential Map as residential, office, or commercial land use. Additionally, the *Broadway- Craycroft Area Plan* provides the following residential policy direction for this site:

Residential Subgoal: Encourage new residential development that preserves and enhances the existing residential character of the area.

Policy 1: Promote appropriate residential infill in existing neighborhoods.

- D. Locate new medium and high-density residential development along arterial streets, except where existing low density residential parcels side on a major street, are buffered by an existing frontage road.

Policy 2: Preserve and enhance the integrity of existing neighborhoods.

- A. Direct through traffic and traffic generated by more intense uses onto major streets.
- B. Require appropriate design elements and buffering techniques during the rezoning and related development review processes to ensure sensitive design of new development in established neighborhoods.
- C. Require an internal pedestrian circulation system within new development that connects to the public sidewalk system.
- D. Encourage the orientation of new residential uses to take advantage of solar energy and to integrate solar technology into the design.



Zoning Examiner

Policy 3: Require that new development comply with plan administration policies.

Transportation Subgoal: Incorporate transportation and traffic considerations in the review of new development and redevelopment in the Broadway-Craycroft area.

Policy 1: Provide safe and efficient vehicular access throughout the Broadway-Craycroft area.

- C. Encourage cooperation between neighborhood residents and the City Transportation Department in investigating techniques to discourage non-local traffic in interior neighborhoods. Specific locations that require consideration include (see Transportation Map on page 25).
2. Rosemont Boulevard, south of Broadway Boulevard. Traffic control devices should be considered to discourage eastbound Broadway traffic from using Rosemont Boulevard and 16th Street as an alternate route to Craycroft Road and 22nd Street. The present configuration of Rosemont, which does not extend directly south to 22nd Street, should be retained.

The *Broadway-Craycroft Area Plan* also includes General Design and Buffering policies intended to help ensure that new development is designed in a manner that enhances the visual appearance of the Broadway-Craycroft area and that such development is sensitive to existing area land uses.

Design Considerations

Land Use Compatibility – The site is surrounded by a variety of land uses, which include office complexes, financial services, and retail to the north and west, the Williams Centre mixed-use development to the east, offices zoned OCR-2 to the northeast, and single-family residences to the south and west.

Design Compatibility – The Design Compatibility Report and the proposed preliminary development plan include a 6-foot-high masonry wall along the perimeter of the site, and a proposed 10-foot-wide landscape border along the south and west property lines. Additionally, the proposed new apartment buildings will be setback 75 feet from the south property line, and 50 feet from the west side. The maintenance building and the two carriage units over garages are setback 49’9” from the west property line. The project is also incorporating a 16’6” wide landscaping area along Broadway Blvd., and a 19’0” landscape area along Rosemont Blvd. A trash compactor and recycling bins are provided on the northeast side of the project, adjacent to C-1 zoning.



Zoning Examiner

Road Improvements/Vehicular Access/Transit –Broadway Blvd. is a designated gateway arterial by the Major Streets and Routes (MS&R) Plan. Rosemont Blvd. is a local roadway south of Broadway Blvd., but is designated by the MS&R Plan as a collector street north of Broadway Blvd.

The project proposes two access points on Broadway Blvd. and Rosemont Blvd, for vehicular and pedestrian circulation. The traffic study provided by the Applicant assumes that both access points will operate with stop control on the project driveways, and it indicates that a median opening with a westbound exclusive left turn lane is expected to be constructed on Broadway Blvd. which will allow vehicles to turn into the project at the west driveway. The traffic study states there will not be any left turns out from the west driveway, but the south driveway would allow all movement at Rosemont Boulevard. To minimize traffic impact on the neighborhood, the Department of Transportation and Mobility has recommended the installation of a sign at the ingress/egress point on Rosemont Blvd. that states "no right turn" for vehicles exiting the site. In addition, the applicant has agreed to construct traffic diversion curbing to guide vehicles to a left turn on Rosemont Blvd. when exiting the site.

The Applicant's traffic study indicates that 1,675 average daily trips would be generated from the proposed development, 97 during the AM peak hour and 144 during the PM peak hour. The study also indicates that the intersection of Broadway Blvd. and Rosemont Blvd. and the two access points proposed for the development are expected to operate with acceptable delays in the opening year of the project. All queues are expected to be contained within the turn lane storage lengths under existing and future conditions with and without the project. However, the queues for the westbound and eastbound through movements at the intersection of Broadway Blvd and Rosemont Blvd are longer than the turn lane storage lengths under existing conditions and likely block the entrance to turn lanes. This is also true for future conditions with and without the project. The traffic study anticipates that approximately 70% of traffic would enter the site via the west driveway and 30% via the south driveway. Approximately 25% and 75% of traffic would exit the site via the west driveway and the south driveway, respectively.

In the Design Compatibility Report, the Applicant is proposing the addition of a left turn signal traveling south on Rosemont Blvd. turning left on Broadway Blvd. However, the traffic study does not indicate the proposed left turn signal would aid in better traffic flow, and DTM review concurs not pursuing changes in signal phasing at the Broadway/Rosemont intersection as an installation of left turn signal at Rosemont could actually have a negative impact for this intersection and the overall flow of traffic along Broadway.



Zoning Examiner

Required parking for the project is 351 spaces, and 342 spaces are proposed. The Applicant's representative testified that the development would not be financially feasible without the parking reduction, and submitted a study of two other apartment complexes to support the position that the required parking should be reduced.

July 20, 2023, Zoning Examiner Hearing

The Zoning Examiner public hearing was originally scheduled for June 29, 2023. However, a question was raised about the mailed notice for that public hearing. To make certain that all parties who should receive notice of the hearing, in fact receive such notice, the Zoning Examiner canceled the public hearing without taking any action. New notice was given, and the Zoning Examiner public hearing was rescheduled to July 20, 2023.

The Applicant's representatives spoke in support of the requested rezoning at the July 20, 2023, Zoning Examiner hearing. A representative of the Williams Center development also spoke in support of the rezoning.

Eleven residents of the adjacent existing residential neighborhoods spoke in opposition to the rezoning, including representatives of the Rosemont West Neighborhood Association. In addition, two hundred fifty-six (256) protests were submitted opposing the rezoning.

The concerns raised by the speakers and in the written protests included: 1) the proposed density of the proposed development, which is 10 times the density of the existing residential neighborhood; 2) the height and massing of the buildings in the proposed development, which will not only block all mountain views from the neighboring homes, but will create visual blight - the proposed 45 foot buildings are three and one half times the height of the adjacent single story residences; 3) privacy concerns for homeowners whose properties are adjacent to the proposed development, given that the Applicant proposes to build 40 to 45 foot, three story apartment buildings next to the existing single story, single family homes; 5) concerns that the requested reduction of the UDC required number of parking spaces will result in overflow parking being pushed into the adjacent neighborhood; 6) the lack of any description of the exteriors of the proposed apartment buildings, such that there is no assurance that the visual impact of the proposed development will be mitigated in any way; 7) given that the substantial majority of vehicles entering and exiting the proposed development are expected to use the Rosemont Blvd. entrance, there were concerns about the traffic impacts on Rosemont Blvd. and the adjacent residential neighborhoods; and 8) the proposed development is not compatible with the existing residential neighborhood.



Zoning Examiner

As of the date of the Zoning Examiner hearing, there were nine (9) written approvals and two hundred fifty-six (256) written protests.

Conclusion

Both *Plan Tucson* and the *Broadway-Craycroft Area Plan* seek to protect the character and integrity of existing neighborhoods. Where an infill development is proposed, *Plan Tucson* and the *Broadway-Craycroft Area Plan* require that such development be sensitive to existing area land uses and existing neighborhoods and preserve and enhance the integrity of the existing neighborhoods. The proposed development in this rezoning case neither preserves nor enhances the Rosemont West neighborhood. In fact, the opposite is true. Both the density of the proposed development – 37 residences per acre – and the scale of the proposed apartment buildings – 40 to 45 feet in height, located immediately adjacent to an existing neighborhood of single-story, single-family homes – render the proposed development incompatible with the existing neighborhood. The requested rezoning should be denied because it is inconsistent with *Plan Tucson* and the *Broadway-Craycroft Area Plan*.

Sincerely,

John Iurino

Zoning Examiner

ATTACHMENTS:

Case Location Map

Rezoning Case Map

Cc: Mayor and Council

TP-ENT-0223-00012 - Broadway Rosemont



Area of Rezoning (R-1 & C-1 to OCR-1)

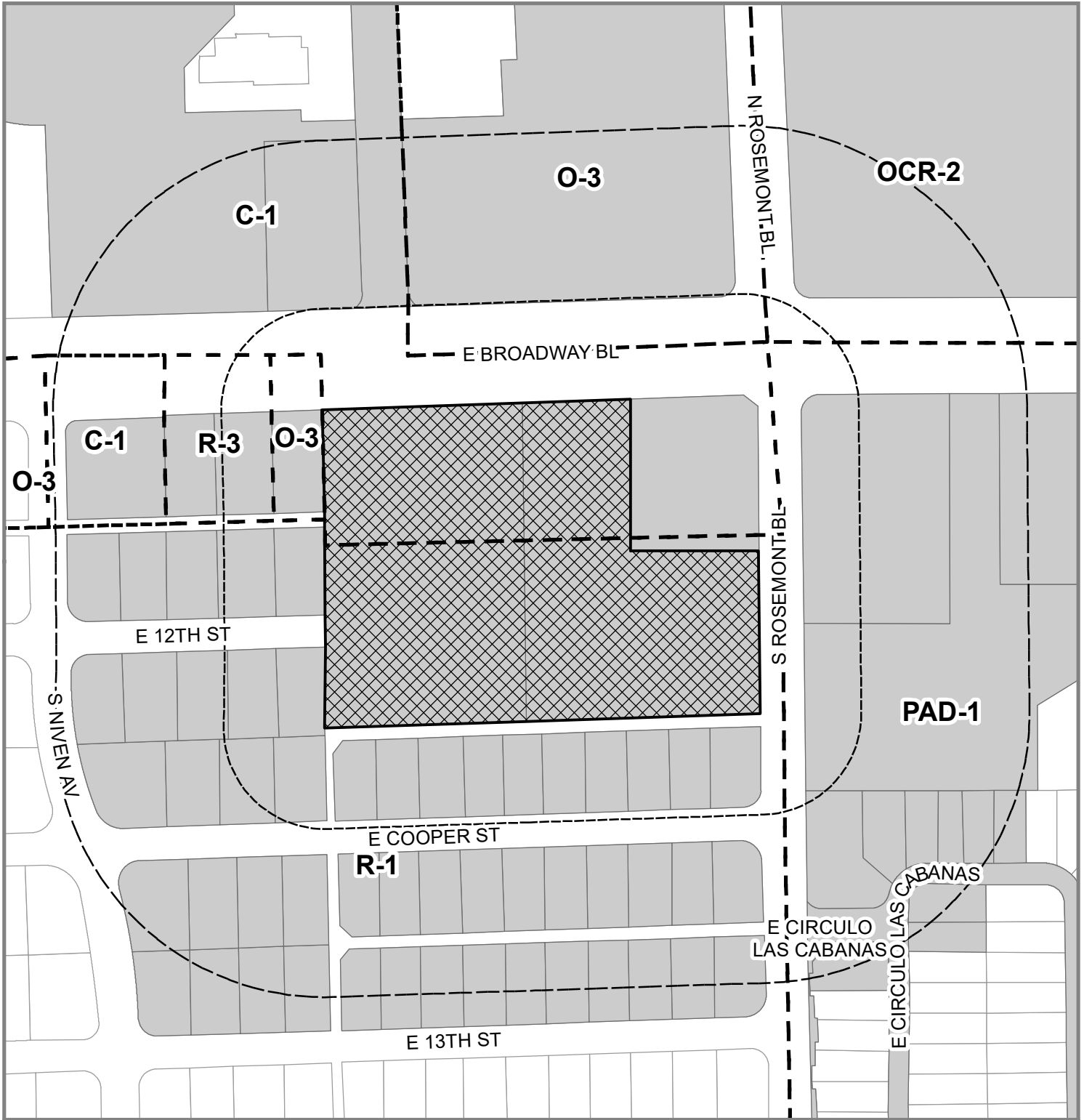
Address: 5056 E Broadway Bl
Base Maps: Twp. 14S R. 14E Sec. 14
Ward: 6




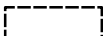
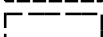


0 60 120 Feet
1 inch = 138.456117 feet



**TP-ENT-0223-00012 - Broadway Rosemont
Rezoning Request: From R-1 & C-1 to OCR-1**



Address: 5056 E Broadway Bl
 Base Maps: Twp. 14S R. 14E Sec. 14
 Ward: 6

-  Area of Rezoning (R-1 & C-1 to OCR-1)
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Zone Boundaries
-  Properties Notified

