

COT Amendment Approval for Possible Fry's Marketplace at Houghton & 22nd Street



Sample Fry's Marketplace photo

The Mayor and Tucson City Council voted this week 6:1, with Councilman **Steve Kozachik** the sole dissenting vote, to approve an amendment to the Houghton East Neighborhood Plan that could allow for the development of a 124,000-square-foot **Fry's Marketplace** at Houghton & 22nd on a 16-acre site at the northeast corner of South Houghton Road and East 22nd Street. The amendment allows for the building to be 26 feet tall, instead of the 20-foot limit stated in the original 1985 plan developed when the City annexed the area, a two-square mile area bounded by Speedway on the North, 22nd Street on the South, Houghton on the West and Tanque Verde / Melpomene Way on the East.

Concerns voiced by the neighbors seemed to have all been addressed:

- Elevation showing the six-foot increase would be minor change to any view obstruction,
- Using City's own definition, roof height is determined from the flat of roof height, and not parapet height.
- The Fry's store at 22nd & Harrison that will be relocated

will have a \$3 million budget to repurpose as needed.

- The necessity for the additional 6 feet lies in the fact that Fry's needs a mezzanine for offices. To minimize the height elevation, the developer is proposing a declining elevation from 26 feet to 22 feet in construction.
- The two grocery stores that were recently vacant have both been re-occupied; first, the Safeway at Broadway & Houghton was sold back to Safeway from Haggen and will be re-opened, and second, the former Basha's at this same corner has been repurposed to an upscale movie theater concept with restaurant and bar included, recently leased by **Craig Finfrock** of Commercial Retail Advisors.

Even with approval of the changes for the proposed site, **Brentwood Development** still needs to go through the rezoning process before it can build the shopping center, which also includes a gas station and two smaller retail buildings. It has already been eleven months since the public meetings started with the neighborhood and individual home owners; rezoning will be at least another 9-months and probably more before the rezoning is approved or possibly denied.

Everyone wants a **Fry's Marketplace** nearby to shop, or one would think, as evidenced by more than 100 people attending the council meeting Tuesday night for this agenda item. Mayor Rothschild counted speaker cards as 38 speakers in favor, and 17 speakers opposing the amendment. Neighbors living within doors of each other met there, one in favor, one opposed, as they voiced opinions for 90 minutes.

At issue it became clear is amending a 30-year-old neighborhood plan document. The Eastside Neighborhood Plan states that it is appropriate for this corner to be used for commercial uses and allows C-1 zoning with a height restriction of 20 feet. There has already been precedence set that approved an increased building height of Walgreens at the

northeast corner of Broadway and Houghton to 35 feet.

Comprehensive planning which dictates public policy in terms of transportation, utilities, land use, recreation and housing typically encompasses a large geographic area to cover a long-term time horizon. But no comprehensive plan should be intended for three decades without modifications.

Plan Tucson is updated every 10-years by Arizona Statute, to reflect changing priorities of the community as they evolve physically, economically and socially over a decade. But not neighborhood plans that apparently never have to be updated, only amended when progress runs into opposition.

When a conflict between the City Plan, approved by voters last in 2013, and a neighborhood plan arises, which has higher authority? You would think the obvious answer is the City Plan, however this wasn't apparent at the meeting this week.

As Plan Tucson states: 'City government plays an important role in determining the business climate. Economic Development Strategic Priorities, as adopted by the Mayor and Council in early 2013 include Business Recruitment, Retention and Expansion, as well as Investment in Key Commercial Areas'. It appears a new Fry's store and retail center that brings 300 jobs, 175 new jobs, would meet such a stated economic goal for the City.

As pointed out by one passionate union member, 'these are good union jobs being brought to the community, Fry's is a good company to work for'.

As so often is the case at these public hearings, many speaking against the project were residents from outside the boundaries of the neighborhood. Councilwoman, **Shirley Scott** noted that some of the people opposing the project live inside the buffer zone for the Saguaro National Forest, the property being amended is well outside this one-mile buffer zone.

Linda Morales with The Planning Center, who represents the developer, had this to say the next day, "We are very excited and encouraged by the vote of the City Council for the neighborhood plan amendment. As evidenced in the public hearing, there are many people in the area who are excited about the project, which will serve nearby neighborhoods with shops, restaurants and a Fry's Marketplace. This was just the first step in the public process. The next step is to rezone the property, where we will be working with city staff, neighbors, Saguaro National Park representatives and other interested parties to craft a plan that our community can be proud of. Our hope and expectation is that those who have concerns will be willing to have a productive conversation with the project team as we move forward."

Finrock also had this to say, "We would also like to thank those of you who took the time to come and help support this project. We know how precious your time is and greatly appreciate your time and support. It is clear to us one very important reason we were successful at this plan amendment hearing is because so many supporters came to the hearing to speak in support of the project. We know this process is far from finished and hope that we can count on your continued support. It is important for people in business and our industry in particular, to support each other so that Tucson can grow, prosper, and overcome its negative image as a community that is unfriendly to businesses."

Councilman **Paul Cunningham**, after noting his surprise with the large number of supporters at the meeting, motioned to approve the amendment but told the developers, "It's far from a done deal." This project is in Councilman Cunningham's Ward 2.

We shall continue to follow the progress of this project for our readers and urge a quick resolution for the greater benefit of the neighbors in Houghton Eastside Neighborhood and Tucson at large, as well as the developer ready to invest \$30 million into our community.

For plan amendment presentation by The Planning Center March 8, 2016 [HENP amendment 3-8-2016](#)

To view Houghton Eastside Neighborhood Plan, January 13, 2016, Public Hearing [click here](#).



Photos show difference in view with 20 ft and 26 ft elevations for proposed building see the Planning Center HENP amendment 3-8-2016 for original photos