



REQUEST FOR ACTION

Appeal No. CD2026-002AP by Broadway Enterprises LLC

MEETING DATE:

July 20, 2026

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Public Hearings

PRESENTER:

Anthony Cicchi

Action Requested:

Denying Appeal No. CD2026-002AP, to allow for continuation of a development under a previously approved Site Development Plan application prior to Unified Development Code (UDC) standards for the subject property, based on the findings outlined in the Community Development Memo.

Report Narrative:

The applicant is proposing to construct a multi-tenant business center with a drive-in facility that would be a continuation of a development that had an approved Site Development Plan application (R2018-019SDP) under the former Land Development Manual (LDM). The SDP was approved on May 19, 2020, and contemplated a two-phased development to be completed on two separate properties, 1401 and 1405 Broadway Ave N. The 1401 property completed construction; however, no permits were filed for the subject property to begin construction. The LDM had an approval expiration limit of one-year for site development plans, and after that period, the approval became null and void.

Following the Unified Development Code (UDC) adoption in 2023, the new zoning district standards of the MXT-NOD district came into effect for the subject property. There are several additional district standards that the property is now subject to that the prior proposal would not have met. As such, the applicant is requesting relief from these provisions.

The applicant appeared before the Zoning Board of Appeals for Variance Application CD2026-002VAR related to this request. At this meeting, the Zoning Board of Appeals determined that the variance request did not meet all the required criteria for approval. A denial decision was made at this meeting. The applicant has therefore submitted this appeal request regarding the decision.

The Community Development Team recommends denial of the appeal request. The previous site plan failed to commence development within one year of the approval date and therefore became null and void. Since that time, the new provisions of the UDC came into effect. The previous site plan does not meet a significant number of the current development requirements. While there are no objections to the proposed use for the subject property, staff believe that the requested variance items do not meet the intention of the UDC standards for this zone district.

Community Development does not support the appeal, as the proposed variance fails to meet all required findings. Specifically, regarding Criteria A and C, the variance does not maintain compatibility with both the Comprehensive Plan and the regulatory framework of the UDC. The previous SDP does not prioritize pedestrian activity at the site and is not consistent with the additional district standards within the UDC.

Additionally, there is a lack of practical difficulties that would be unique to this property that would not apply to other lands within the neighborhood or the same zoning district.

Policy Considerations & DEI Impact:

There are no policy considerations or DEI impacts for this item.

Prior Legislative Actions & Community Engagement:

April 21, 2026: Public Notification sent out for Variance hearing.

May 6, 2026: Hearing date for Variance No. CD2026-002VAR. File was continued to June 3, 2026, to meet quorum requirements.

May 22, 2026: Public Notification sent out for Variance hearing.

June 3, 2026: Variance Public Hearing - Denial Decision.

July 10, 2026: Public Notification sent out for Appeal Hearing.

Fiscal & Resource Impact:

There are no fiscal and resource impacts for this item.

Prepared By:

Anthony Cicchi

Attachments:

[CD Memo - CD2026-002AP](#)

[Notification Map - CD2026-002AP](#)

[Location Map - CD2026-002AP](#)

[CD Memo to ZBA June 3 2026 - CD2026-002AP](#)

[Appellant ZBA Material - CD2026-002AP](#)

[Appellant Appeal Material - CD2026-002AP](#)

[June 3 2026 ZBA Minutes - CD2026-002AP](#)

[Site Plan - CD2026-002AP](#)