

STAFF REPORT

DATE: April 26, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00125

**C10-18-03 ALTA LINDA AT STARR PASS / DESTINY DESERT, LLC / 1211
SOUTH AVENIDA DEL CORRECAMINOS, R-1**

The applicants' property is an undeveloped 9.39 acre parcel, located in the Starr Pass Master Planned Community and is zoned R-1 "Residential". The applicants are seeking zoning approval for a proposed Flexible Lot Development (FLD) subdivision consisting of 20 residential lots.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variance:

- 1) Delete the requirement to delineate and set-aside as Natural Undisturbed Open Space and designate as common area for sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-1 zone;

Section 8.7.3 *Flexible Lot Development (FLD)*, which provides the criteria for an FLD project; and

Section 5.2.5.C *Hillside Development Zone (HDZ)*, which provides the development standards for an FLD project in the HDZ.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (undeveloped)

North: Zoned R-2, SR; (golf casitas, golf course)

South: Zoned SR; (open space)

East: Zoned SR; (undeveloped, golf course)

West: Zoned SR, R-1; (undeveloped)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection/adverse comments.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicants' property is an undeveloped parcel, approximately 9.39 acres in size zoned R-1 "Residential". The applicants are seeking zoning approval for a proposed Flexible Lot Development (FLD) subdivision consisting of 20 residential lots. The proposed development triggers compliance with the Tucson *Unified Development Code (UDC)*.

Hillside Development Zone

Per *UDC* Section 5.2.5.C.3, sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as Natural Undisturbed Open Space and designated as common area. The applicants are proposing to grade these areas in order to provide access and to reasonably develop the block as proposed.

Discussion

The property is located in the Starr Pass Master Planned Community. The Master Final Residential Cluster Project (RCP) Block Plat, recorded in 1992, identifies the subject parcel (block 17) as a development parcel zoned R-1. This is a resubdivision of block 17 of the master block plat to allow for 20 residential lots. The tentative plat that was approved for this block in 2004 allowed for the development of 36 residential lots. The Tucson *Land Use Code (LUC)* in effect at that time allowed the entire site to be graded because the average cross slope (ACS) for the block was less than 15%. The final plat was never submitted for approval and recordation which ultimately led to the expiration of the tentative plat.

The current owners purchased the property in 2008, one year prior to the code amendment that now requires sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet to be set-aside as Natural Undisturbed Open Space and designated as common area. The special circumstance that exists and prevents reasonable development of the property is that these sloped areas, if undisturbed, would eliminate access and render the block undevelopable, which contradicts the master block plat. The development of the site is further constrained by the 96" Tucson Water line along the north boundary. Common areas are provided for the development in generally the same areas as shown in the previously approved tentative plat, with a new larger area located at the southwest corner of the block. In addition, the density is less than what was previously proposed which has allowed some design modifications in order to bring the project closer into compliance with standards and still allow reasonable development of the land.

Conclusion

Given that there are special circumstances that exist such as the 15% or greater sloped areas that would prevent access and reasonable development of the parcel if left undisturbed; and that the granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone given the block is identified as developable on the master block plat; and that the proposal is the minimum requested to afford relief given that variance would allow reasonable development of the property, staff can support the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notifications dated January 5 and 12, 2018, and the meeting sign-in sheet dated January 17, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicants requested variance.

It is the opinion of staff that granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

RW:mc: s/zoning administration/ba/1803.doc