

PRELIMINARY REPORT

October 4, 2018



CITY OF
TUCSON

ZONING
EXAMINER'S
OFFICE

JoJo Chirco
11555 E. Pantano Trail
Tucson, AZ 85730

**SUBJECT: C9-18-14 Chirco – Brown Street
SR to RX-1 (Ward 2)
Public Hearing: August 30, 2018**

Dear Ms. Chirco:

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 C9-18-14 Chirco- Brown Street, SR to RX-1.

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.

SUMMARY OF FINDINGS

This is a request by JoJo Chirco, on behalf of the property owner, Santo M. Chirco, to rezone approximately 2.49 acres from SR to RX-1 zoning. The rezoning site is located on the east side of Brown Street, approximately 700 feet

south of East Broadway Boulevard. The preliminary development plan proposes splitting the parcel into two parcels.

Zoning Descriptions

SUBURBAN RANCH ZONE (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted. Minimum lot size is 144,000 SF (3.3 acres).

RESIDENCE ZONE (RX-1): This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses. Minimum lot size is 36,000 SF (0.826 acre).

Surrounding Zones and Land Uses

North: Zoned SR; Single-family residence and undeveloped lot

South: Zoned RX-1; Single-family residence

East: Zoned SR; TUSD middle school and bus yard

West: Zoned SR; Single-family residence

Planning Considerations

Land use policy direction for this area is provided by the *Pantano East Area Plan* and *Plan Tucson*. The rezoning site is located within an Existing Neighborhood Growth Scenario Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within Existing Neighborhoods, the *Plan Tucson* goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Pantano East Area Plan policies support preserving the integrity of established neighborhoods, and promote low-density residential developments within the interior of established low-density neighborhoods. The *Pantano East Area Plan* defines low-density residential as six (6) residences per acre or less. The proposal meets the density requirement.

Design Considerations

Land Use Compatibility – The subject property is a slightly irregular rectangle parcel, with an east-west orientation. The existing residence will remain on a 1.458 acre parcel. A second parcel, 1.032 acre in size, is proposed and a new dwelling will be constructed on it.

The lots adjacent to the south of the rezoning site are 1.06 and 1.01 acre in size. The developed lot adjacent to the north is 1.4 acre. The lot to the west, across Brown Street, is 0.98 acre in size. The size of the proposed lots on the rezoning site is consistent with the surrounding developed lots. Both the SR Zone and the RX-1 zone allow a maximum height of 30 feet. Due to the irregular shapes of the lots in the immediate area of the rezoning site, the varying orientations of the dwellings, and the same maximum heights of the two zones, privacy should not be an issue.

Drainage/Grading/Vegetation – The site is relatively flat, with an approximately 10 foot grade from the existing residence to a natural, unnamed and unregulated watercourse that runs along the Brown Street frontage. The Ricard Small Wash, a constructed wash maintained by the City of Tucson, skirts the extreme eastern edge of the site and will not be impacted by future development on the new lot.

Road Improvements/Vehicular Access/Circulation – Brown Street is a local 2-lane road, with a 60 foot-wide right-of-way and no curbs or sidewalks. Brown Street runs north and south from Broadway Boulevard to Old Spanish Trail. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 9.55 vehicle trips per day. No improvements are required.

Zoning Examiner Hearing August 30, 2018

The Applicant's representative spoke in favor of the rezoning at the August 30, 2018 public hearing. A representative of the owners of the lot adjacent to the rezoning site to the north, and one of the owners of the adjacent lot, also spoke. They did not oppose the rezoning, but expressed concerns about the location of the proposed driveway near the northern boundary of the rezoning site and the removal of existing, mature vegetation along the boundary of the rezoning site and the adjacent lot to the north. The Zoning Examiner requested that the parties meet to discuss these concerns and continued the public hearing to September 27, 2018 to permit them to do so. As of the date of the August 30, 2018 Public Hearing, there were four (4) written approvals and one (1) written protest (from the neighbor to the north).

Zoning Examiner Hearing September 27, 2018

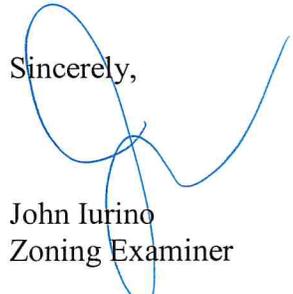
The Applicant's representative reported that she had discussed the adjacent neighbors' concerns with the adjacent neighbors and their representative, and that the Applicant was willing to relocate the proposed driveway on the north side of the rezoning site by moving it 20 feet from the north property line. The Applicant's representative also stated that the Applicant agreed to leave the existing, mature vegetation along the boundary of the two properties undisturbed and that the Applicant planned to construct a wrought iron fence along the boundary. The adjacent neighbor and her representative reported that these measures mitigated their concerns.

Conclusion – The proposed rezoning, lot division and subsequent development of an additional single-family residence is supported by *Plan Tucson* and the *Pantano East Area Plan*, and is consistent with the surrounding development. To protect the privacy of the residence on the adjoining parcel to the north of the rezoning site, the proposed new driveway should be moved to a location 20 feet from the north property line of the rezoning site and the mature, healthy vegetation along the north property line should be left undisturbed. Subject to this, and to compliance with the preliminary conditions proposed by the Staff Report, approval of the requested RX-1 zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning of the property to RX-1, subject to the conditions stated in this Preliminary Report.

Sincerely,



John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map

cc: City of Tucson Mayor and Council

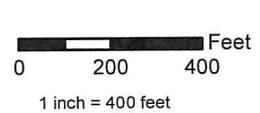
C9-18-14 Chirco - Brown Avenue

Rezoning Request: From SR to RX-1



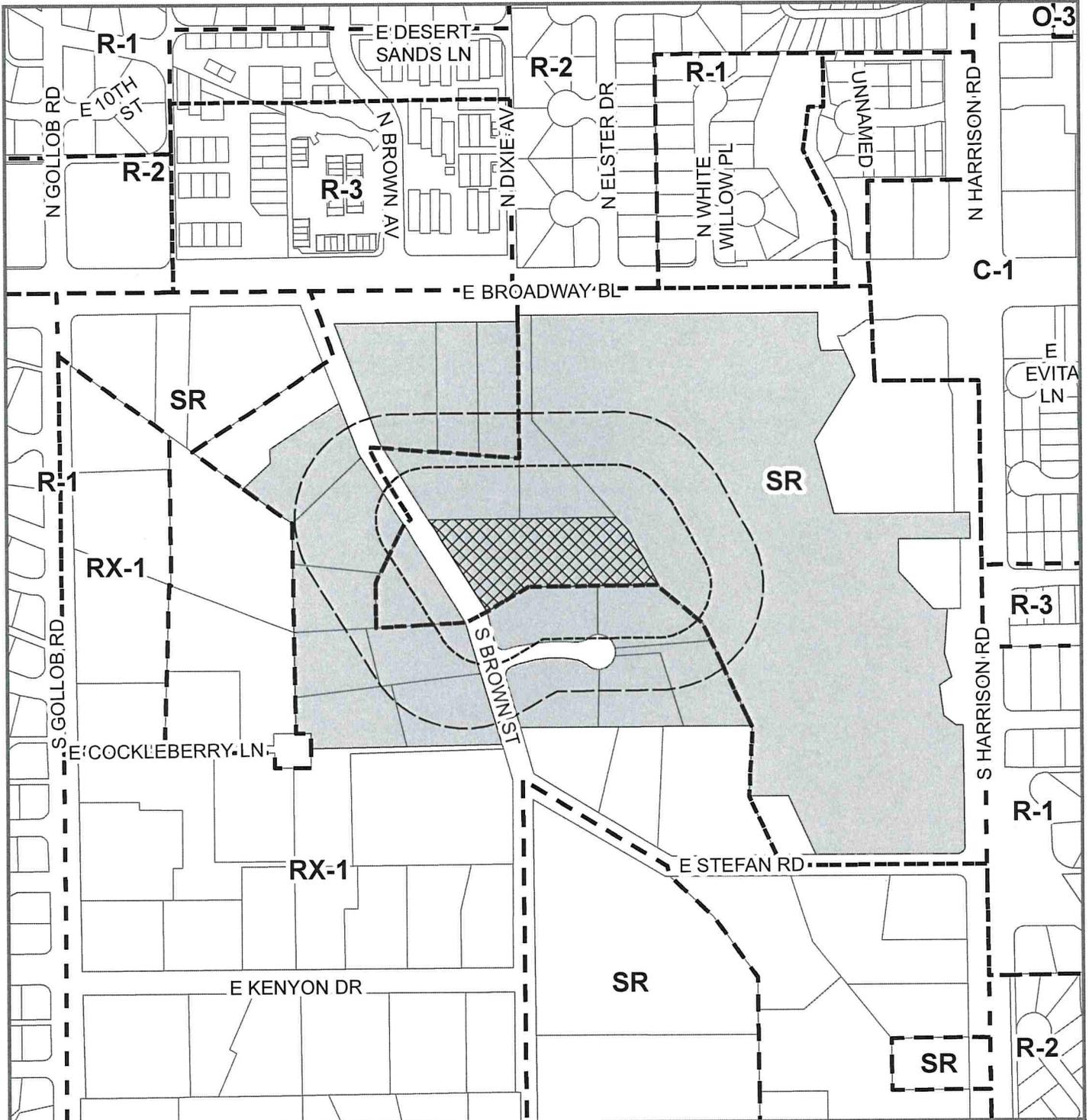
 Area of Rezoning Request: SR to RX-1

Address: 501 S. Brown Ave.
Base Maps: Twp.14S Range15E Sec. 15
Ward: 2



C9-18-14 Chirco - Brown Avenue

Rezoning Request: From SR to RX-1



-  Area of Rezoning Request: SR to RX-1
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 501 S. Brown Ave.
 Base Maps: Twp.14S Range15E Sec. 15
 Ward: 2

