



# MEMORANDUM

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DATE: August 14, 2019  
For August 29, 2019 Hearing

TO: John Iurino  
Zoning Examiner

FROM: Scott Clark  
Planning & Development Services  
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-19-10 Corbett – 29<sup>th</sup> Street, R-1 to R-2 (Ward 6)

**Issue** – This is a request by Bill Viner of Pepper Viner Investment Company II, LLC, on behalf of the property owner, Tucson Unified School District No. 1, to rezone approximately 7.0 acres from R-1 to R-2 zoning for the proposed redevelopment of the Corbett Elementary School site, located on the northeast corner of 22<sup>nd</sup> Street and Sahuara Avenue (see Case Location Map). The preliminary development plan (PDP) proposes a single-family residential subdivision with seventy-five homes at a density of approximately 11 units per acre, using Green Building Techniques and providing 45,000 square feet of functional open space using the requirements of the Flexible Lot Development Option (FLD) Alternative B, per Section 8.7.3 of the Unified Development Code. The project will contain a mix of single- and two-story homes, with approximately half of the houses being two-story, with a maximum height of 25 feet as allowed in the R-2 zone.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of R-2 zoning, subject to the attached preliminary conditions.

## **Background Information**

**Existing Land Use:** Closed Corbett Elementary School (TUSD) site.

## **Zoning Descriptions**

Existing: R-1 – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses

Proposed: R-2 – This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

Surrounding Zones and Land Uses:

North: Zoned R-1; Single-family Residential

South: Zoned R-1; Single-family Residential

East: Zoned R-1; Single-family Residential

West: Zoned R-1 & R-2; Single-family Residential & Multi-family Residential

Previous Cases on the Property: none

Related Cases:

C9-16-03 Pepper Viner – Pima Street, SR to R-1 This was a rezoning request for approximately 8.99 acres located on the southwest corner of Pima Street and Fremming Avenue at the former Van Horne School site, to allow a residential subdivision for the development of 54 one-story and two-story single-family homes at a density of 6 units per acre. On June 7, 2016, the Mayor and Council adopted Ordinance No. 11371.

C9-14-09 School Yard – Wrightstown Road, RX-1 to R-1 This was a rezoning request for approximately 9.25 acres located on the southwest corner of Wrightstown Road and Avenida Ricardo Small at the former Wrightstown Elementary School site, to allow the development of 56 one-story and two-story single-family residential units, for a density of 6.05 units per acre. On July 7, 2015, the Mayor and Council adopted Ordinance No. 11290. On September 16, 2015, a subdivision plat was recorded effectuating the R-1 zoning.

**Applicant's Request** – The applicant proposes to rezone approximately 7 acres from R-1 to R-2 to allow a single-family residential subdivision with 75 one-story and two-story homes at a density of approximately 11 units per acre.

**Planning Considerations** – Land use policy direction for this area is provided by *Plan Tucson*. *Plan Tucson* identifies this area in the Future Growth Scenario Map as an "existing neighborhood" category and supports new services and amenities that contribute further to neighborhood stability. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods where minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment, new services and amenities that contribute further to neighborhood stability. Within Existing Neighborhoods, *PT* supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Polices also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat.

The rezoning site is surrounded on all four sides by local streets—29<sup>th</sup> Street to the south, Sahuara Avenue to the west, Sylvane Street to the north, and Sonoita Avenue to the south. Six vehicular access points will be by way of three new north-to-south private streets, with three access points from 22<sup>nd</sup> Street and three access points from Sylvane Street. There will be no direct vehicular access from individual lots onto the adjacent public streets.

The Traffic Impact Analysis provided by the applicant estimates that the proposed development will generate an average of 714 vehicle trips daily per weekday.

### **Design Considerations**

Land Use Compatibility – The rezoning site is roughly square in shape and as noted above is bounded by public streets on all four sides. The area surrounding the rezoning site to the north, east, and south consists of detached single-family residential development, zoned R-1. There is also a church located across 29<sup>th</sup> Street to the south of the site on the southeast corner of 29<sup>th</sup> Street and Sahuara Avenue. To the west of the subject rezoning site, is a mix of detached single-story, single-family residential subdivision, zoned R-1, and multi-family duplexes and triplexes, zoned R-2.

The Design Compatibility Report (DCR) proposes 75 lots, with detached one-story and two-story homes, designed with variations and diversity in architecture, incorporating energy conservation techniques, and with transitions in building heights and density. The R-2 zone allows a maximum height of 25 feet. The DCR does not specify which lots will be limited to single-story construction, but states that approximately half of the houses will be two-story. To allow the applicant some additional flexibility on the total number of two-story homes staff recommends at least 1/3 of the homes be single-story construction, with a structure height no greater than 18 feet.

The applicant held a neighborhood meeting on April 29, 2019. There were 8 attendees plus the applicant and the project team. Issues and concerns discussed at the meeting included the proposed residential density, number, size, and layout of the homes and lots, the height and number of stories of the homes, price range of the homes, square footage and maintenance responsibility of functional open space, provision of sidewalks, access to the site, perimeter walls, property values, sewer connection and capacity, timeframe of home construction. concerns regarding traffic flow and parking, reuse of bricks from the existing school building, and project aesthetics.

Drainage/Grading/Vegetation – Landscape borders are proposed along all sides of the project site with drainage basins proposed along the northern perimeter site, adjacent to Sylvane Street, within the areas designated as functional open space/common area. A total of approximately 45,000 square feet of functional open space is included within the proposed subdivision.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located on the east side of Sahuara Avenue, north of 29<sup>th</sup> Street, and west of Sonoita Avenue. Vehicle access is proposed by way of three new 30-foot wide private streets with access onto 29<sup>th</sup> Street to the south and Sylvane Street to the north. The *Major Streets and Routes Plan* designates 29<sup>th</sup> Street as a Collector Street with a proposed right-of-way width of 76 feet. The other three adjacent public streets are all local streets. The nearest major arterials identified on the *Major Streets and Routes Plan* map are 22<sup>nd</sup> Street, located less than ½ mile to the north, Wilmot Road, located less than ½-mile to the east, Golf Links Road, located ½-mile to the south, and Craycroft Road, located ½-mile to the west.

Sahuara Avenue between Golf Links Road and 22<sup>nd</sup> Street is identified in the City/County-approved *Pima Regional Trails System Master Plan* as being part of the Arcadia Wash Greenway alignment. The proposed alignment of the greenway path follows the east side of Sahuara Avenue adjacent to the rezoning site. While pedestrian and bicycle access to the greenway path is encouraged, Tucson Parks and Recreation recommends that there be no new direct vehicular access from the proposed residential subdivision onto Sahara Avenue.

There is an existing Sun Tran bus stop adjacent to the south perimeter of the site along 29<sup>th</sup> Street. Tucson Department of Transportation will require the developer to upgrade this bus stop to meet ADA standards and to accommodate a bus shelter that is 20 feet long by 10 feet wide by 6 inches deep constructed to TDOT standards. The concrete pad can be part of the sidewalk infrastructure provided there is a minimum 5-foot wide accessible pedestrian route in front of the shelter adjacent to the curb. Additionally, the pad and sidewalk should provide a minimum 25 feet of concrete boarding area adjacent to the curb. TDOT can provide a design schematic when needed, and TDOT will provide the bus shelter when the project is completed.

**Conclusion** – The proposed development is consistent with and supported by the policy direction provided in *Plan Tucson*. No plan amendment is required. Subject to compliance with the attached preliminary conditions, approval of the requested R-2 zoning is appropriate.

### PROCEDURAL

1. A development package/plat in general compliance with the preliminary development package dated July 12, 2019 and required reports, covering the rezoning site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATABILITY

6. No two adjoining lots within the subdivision shall be developed with the same model/façade.
7. A minimum of one-third (1/3) of the lots shall be limited to single-story construction, not to exceed eighteen (18) feet in height.

### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

8. All offsite improvements required with the development, such as street improvements, bus stop improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.
9. There shall be no direct vehicular access onto Sahuara Avenue from the project site.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-19-10 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-19-10.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-19-10.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Owner:** \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**Owner:** \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**By:** \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

**By:** \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
 )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:  
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

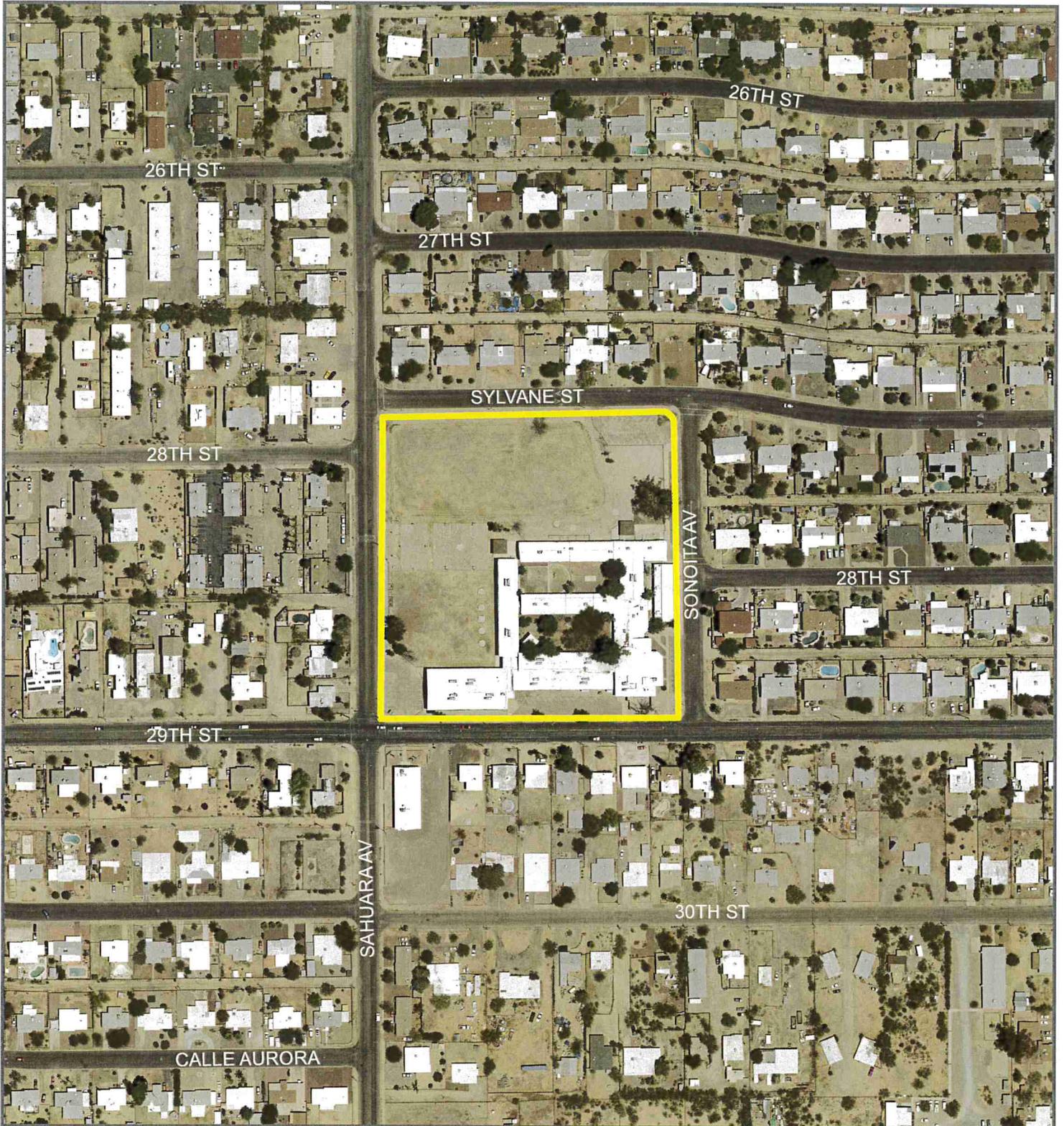
By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.



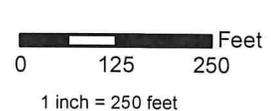


**C9-19-10 -Corbett - 29th St**  
**Rezoning Request: From R-1 to R-2**

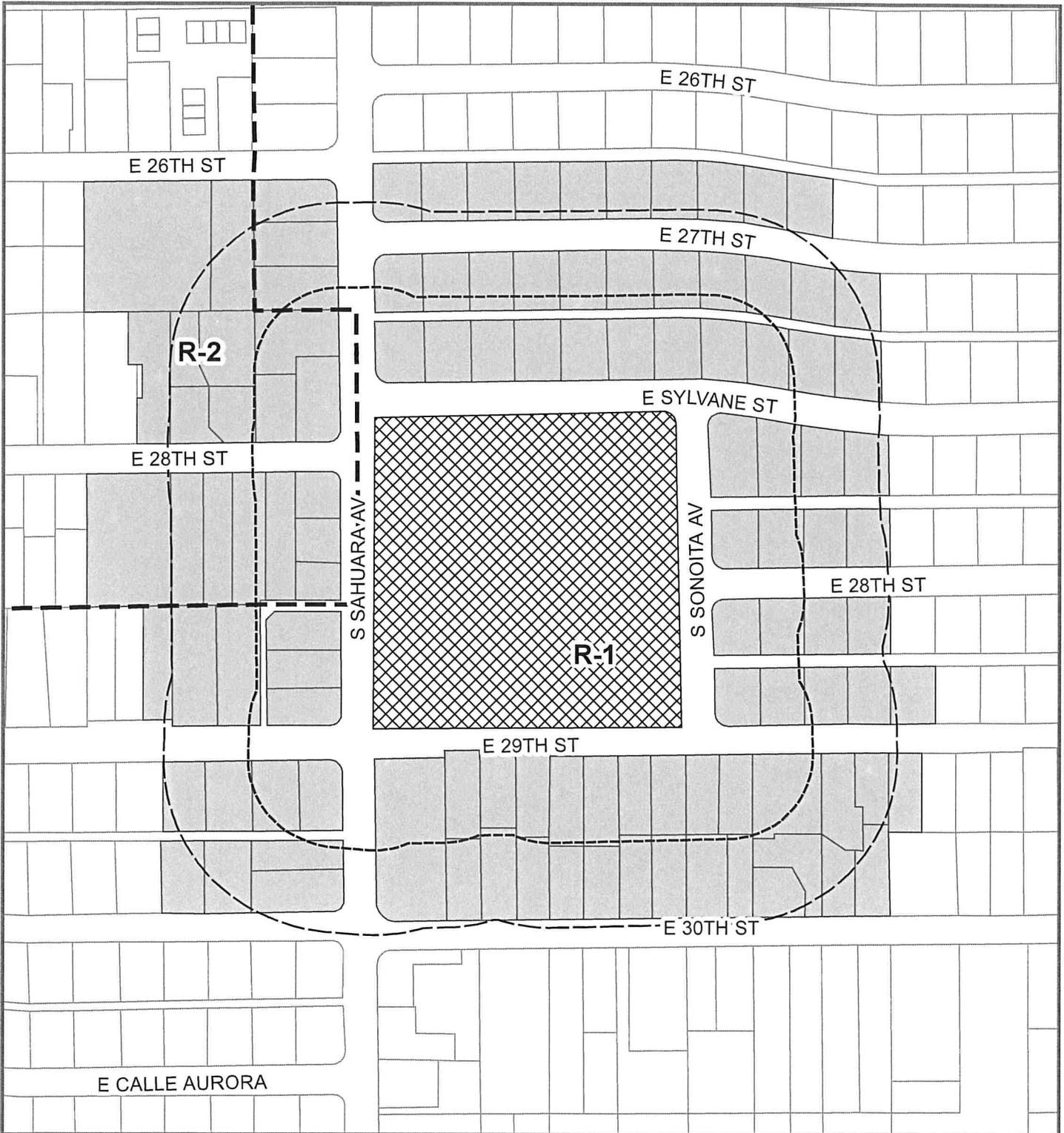


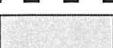
 Area of Rezoning: R-1 to R-2

Address: 5949 E 29th St  
Base Maps: Twp.14S Range 14E Sec.24  
Ward: 6

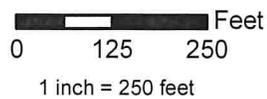


# C9-19-10 -Corbett - 29th St Rezoning Request: From R-1 to R-2



-  Area of Rezoning: R-1 to R-2
-  Protest Area (150 ft. radius)
-  Notification Area (300 ft. radius)
-  Zone Boundaries
-  Properties Notified

Address: 5949 E 29th St  
Base Maps: Twp.14S Range 14E Sec.24  
Ward: 6





Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Entitlements Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

C9-19-10 PMc

Expose this flap - Affix stamp and return

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City of Tucson PMc  
Planning and Development Services  
Department - Entitlements Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

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C9-19-10  
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED