



CITY OF
TUCSON

ZONING
EXAMINER'S
OFFICE

PRELIMINARY REPORT

November 15, 2018

Chuck Martin
Rick Engineering Co., Inc.
3945 E. Fort Lowell Rd., Suite 111
Tucson, AZ 85712

**SUBJECT: REZONING C9-18-12 Bonanza 550 LLC – Bonanza Avenue
SR to RX-2 (Ward 2)
Public Hearing: November 8, 2018**

Dear Mr. Martin:

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 C9-18-12 Bonanza 550 LLC - Bonanza Avenue, SR to R-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 (PDSD) 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 Chuck Martin of Rick Engineering, on behalf of the property owner Bonanza 550 LLC, to rezone approximately 10.4 acres from SR to RX-2 zoning. The applicant originally requested rezoning from SR to R-1 zoning, but later amended its application. The rezoning site is located on the southeast corner of Bonanza Avenue and Colette Street (see Case Location Map).

The revised preliminary development plan (PDP), dated October 11, 2018, proposes a single-family residential subdivision with twenty-three homes at a density of 2.21 units per acre, with all homes being single-story at a maximum height of 22 feet. The original application requested R-1 zoning with a PDP, dated July 2, 2018, showing twenty-nine single-family homes at a density of 2.79 units per acre, with sixteen of the homes, near the perimeter of the rezoning site, proposed as single-story homes, and the remaining thirteen proposed as two-story homes with a maximum height of 25 feet.

The change to a requested RX-2 zoning classification, with a reduction in residential density and maximum structure height, resulted from previously held Zoning Examiner hearings, as well as meetings with nearby property owners and neighborhood representatives. Revisions were made to address concerns expressed by neighbors at these hearings and meetings.

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 in an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *Plan Tucson*. 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 to further neighborhood stability. Within Existing Neighborhoods, *Plan Tucson* supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions, and adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. Policies 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 goal of the *Pantano East Area Plan* is to preserve the integrity of established neighborhoods and promote residential infill of vacant land where adequate streets and utilities are available, and to promote low-density residential developments within the interior of established low-density neighborhoods. The *Pantano East Area Plan* defines low-density residential as up to six units per acres. At 2.21 units per acre, the proposed density is supported by the *Pantano East Area Plan*.

Design Considerations

Land Use Compatibility – The rezoning site is roughly square in shape and is bounded by public streets on the west side, a portion of the north side, and a portion of the east side. The area surrounding the rezoning site to the east, south, and north is low-density, detached single-family residential development zoned RX-1 at a density of approximately 1 to 1.5 units per acre. There is a church located across Colette Street to the north of the site on the northeast corner of Bonanza Avenue and Colette Street. To the west of the subject rezoning site is a detached single-story, single-family residential subdivision, zoned R-1, at an approximate density of between 3 and 4 units per acre.

The Preliminary Development Plan (PDP) proposes 23 lots, with detached one-story homes, designed with variations and diversity in architecture, incorporating energy conservation techniques, and with transitions in building heights and density.

Drainage/Grading/Vegetation – The site is within the Este Wash watershed, which is subject to flooding. An unnamed regulatory wash (a tributary to the Este Wash), with a maximum flow rate between 500-1,000 cubic feet per second, is located within a proposed common area across the southwest corner of the site. A detention basin is proposed in the northeast corner of the site. Functional open space is provided in the northwest corner of site near the intersection of Bonanza Avenue and Colette Street. Open space common areas will be adjacent to portions of Bonanza Avenue and the northern perimeter of the site. Existing vegetation within designated common areas, including mature canopy trees and native plants, should be preserved in place to the extent possible. A native plant preservation plan, and a drainage report addressing onsite and offsite drainage and provision of 5-year threshold runoff retention, will be required.

Road Improvements/Vehicular Access/Circulation – The rezoning site is surrounded on three sides by local streets—Bonanza Avenue to the west, Constitution Avenue along a portion of the east perimeter, and Colette Street

along a portion of the north perimeter. Vehicular access will be by way of new public streets from Bonanza Avenue to the west and Constitution Avenue to the east. Two lots will have direct access to Bonanza Avenue. There is no direct access proposed to Colette Street to the north. The Pima Association of Governments - Transportation Planning Division estimates that the proposed development will generate 278 vehicle trips per day.

Neighborhood Meetings -- The applicant held multiple neighborhood meetings. At the first meeting, held on April 5, 2018, there were 37 attendees plus the applicant and the project team. The plan shown at this first meeting proposed 40 lots at a density of approximately 3.8 RAC, and with homes limited to one-story only along the east half of the southern site perimeter. Issues and concerns discussed at the first 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, amount of open space, flooding in the wash, access to the site, perimeter walls, property values, sewer connection and capacity, timeframe of home construction, concerns regarding traffic flow along Bonanza Avenue, and project aesthetics.

The second meeting was held on May 10, 2018, with 26 neighbors in attendance. Many of the same issues were discussed. The applicant addressed some of the concerns expressed at the first meeting by presenting a revised plan showing a reduction in the number of lots/homes from the originally proposed 40 to 29, resulting in a reduced residential density from 3.8 RAC to roughly 2.8 RAC. The revised plan also limits homes proposed near the site perimeter to single-story construction.

More recent meetings with the neighborhood have led to further revisions to the PDP and a resubmittal of the rezoning application requesting RX-2 (suburban residential) zoning rather than the originally requested R-1 (urban residential) zoning. In addition to proposing a more restrictive zoning classification, the revised PDP shows a further reduction in residential density (from 29 homes at 2.79 RAC to 23 homes at 2.21 RAC) and a lowering of structure height from a maximum of 25 feet, with some two-story homes, to all single-story home construction with a maximum height of 22 feet.

Zoning Examiner Hearing August 2, 2018 -- The Applicant's representative spoke at the August 2, 2018 Zoning Examiner Hearing on the application to rezone the property from SR to R-1. He presented an overview of the proposed development, including a description of the number of proposed lots, density of development in the surrounding neighborhoods, traffic, drainage, and floodplain

ordinance issues. He explained that the proposed development would include both one-story and two-story houses, but that the 16 lots located at the perimeter of the property would be single-story. The 13 lots proposed as two-story houses are located in the center of the proposed development.

Seventeen persons spoke in opposition to the proposed rezoning. Concerns included the density of the proposed development, the lack of compatibility with the adjoining, lower density areas to the north, east and south of the proposed development, traffic impacts on Bonanza Avenue, Constitution Avenue and 5th Street, drainage issues relating to the Este Wash and other washes on the site, and the lack of information concerning the design of the homes which would be built. Several persons noted that they were not opposed to development of the property *per se*, but that the density of the proposed rezoning was too high and out of character with the surrounding areas. A number of the speakers expressed the opinion that RX-1 zoning would be appropriate.

Due to concerns that some persons who had planned to attend the hearing may have been informed that the hearing had been postponed to August 30, 2018, after hearing all of the persons who were present and wished to speak, the Zoning Examiner continued the public hearing to August 30, 2018.

Zoning Examiner Hearing August 30, 2018—The Applicant’s representative reported that the Applicant had reached out to the Ward 2 Council Office to set up meetings with the neighbors and requested that the hearing be continued to September 27 to allow additional time for the meetings to occur. Five neighbors spoke at the hearing, four whom had also spoken at the August 2, 2018 Public Hearing. The concerns expressed included the possible development of two-story houses, the density of the proposed development, and in particular the density of the proposed lots in the center of the development, and the characterization of Bonanza Avenue as an arterial street, and concerns about traffic in the area of the proposed development. After all persons who wished to speak were heard, the Zoning Examiner continued the public hearing to September 27, 2018.

Zoning Examiner Hearing September 27, 2018—The Applicant’s representative provided an update on the Applicant’s site design. After the August 30, 2018 public hearing, the Applicant reduced the number of lots in the proposed development from 29 to 23, using RX-2 zone development standards with 12,000 square foot minimum lot sizes, yielding an overall density of 2.25 residences per acre. The Applicant’s representative met with the neighbors on September 13, 2018 and presented the revised plan, and mailed the revised plan to all of the people on the rezoning case mailing list. Because the Applicant

believed that there was not sufficient time between the September 13, 2018 meeting and the September 27, 2018 public hearing for the neighbors to review the revised plan, the Applicant's representative requested that the public hearing be continued to October 25, 2018. Three neighbors also spoke at the September 27, 2018 Public Hearing. Concerns were raised about the possibility that the Applicant, or a later developer, could change the conditions agreed to by the Applicant and increase the density of the development, since the rezoning application continued to request a rezoning to R-1 (even though the Applicant was agreeing to conditions which would impose RX-2 development standards). As of the date of the September 28, 2018 Zoning Examiner Hearing there were 53 written protests and 1 approval.

The Applicant's Revised Rezoning Application—On October 11, 2018, the Applicant submitted a revised rezoning application pursuant to UDC 3.5.3.G.3, requesting that the property be rezoned from SR to RX-2 (instead of from SR to R-1). With the revised application, the Applicant submitted a revised Preliminary Development Plan, proposing 23 lots, with all houses limited to single story. On October 12, 2018, the Zoning Examiner approved the Applicant's request to amend its rezoning application.

Zoning Examiner Hearing November 8, 2018

The Applicant's representative spoke at the November 8, 2018 Zoning Examiner Hearing and explained the changes to the PDP that accompanied the amended rezoning application. Two persons spoke in opposition. The first speaker stated his belief that rezoning to RX-1, with minimum lot sizes of 36,000 square feet, would be a more appropriate transition from the R-1 lots across Bonanza Avenue and the adjoining RX-1 lots. He also stated that the height of the proposed homes on the rezoning site would be higher than most of the existing homes in the neighborhood, which with a few exceptions are a maximum of 17 feet in height. The second speaker also expressed the view that the proposed development was too dense.

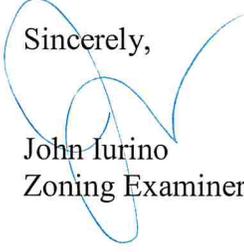
As of the date of the November 8, 2018 Zoning Examiner Hearing, there were seven (7) written approvals and nine (9) written protests. This represents a substantial reduction from the number of written protests against the original application (53). Several of the written approvals were submitted by persons who had filed written protests against the earlier application to rezone the subject property to R-1.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *Pantano East Area Plan* and *Plan Tucson*. The density reduction reflected in the amended rezoning application and the increase in the proposed lot sizes to a minimum of 12,000 square feet makes the proposed development much more compatible with the existing neighborhood. While the properties immediately surrounding the subject property have larger lots sizes, the existing homes across Bonanza Avenue are zoned R-1 and have smaller lots than the homes in the proposed new development. The Zoning Examiner finds that the density of the proposed development is compatible with the existing neighborhood. The Zoning Examiner concludes that the maximum height of the proposed new homes should be limited to a maximum of 18 feet to make the new development compatible with the existing homes in the neighborhood. Subject to compliance with the special conditions recommended by PDSD, as modified to limit the proposed new homes to a maximum height of 18 feet, approval of the requested RX-2 zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning of the property to RX-2, subject to the special conditions recommended by PDSD, except that the maximum height of the homes shall not exceed eighteen (18) feet.

Sincerely,



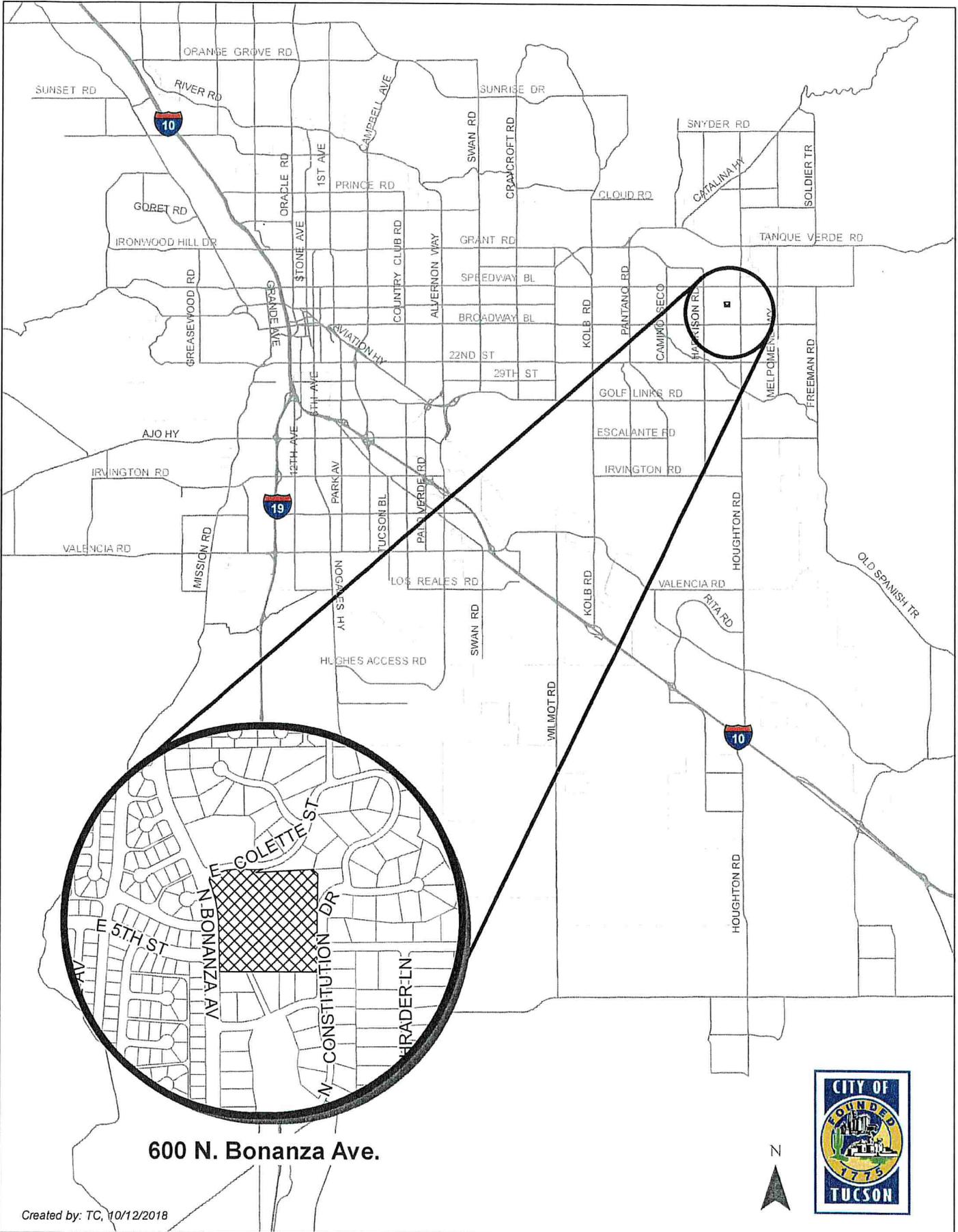
John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map

cc: City of Tucson Mayor and Council

C9-18-12 Bonanza 550 LLC - Bonanza Avenue Rezoning Request: From SR to RX-2



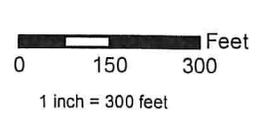
600 N. Bonanza Ave.

C9-18-12 Bonanza 550 LLC - Bonanza Avenue
Rezoning Request: From SR to RX-2



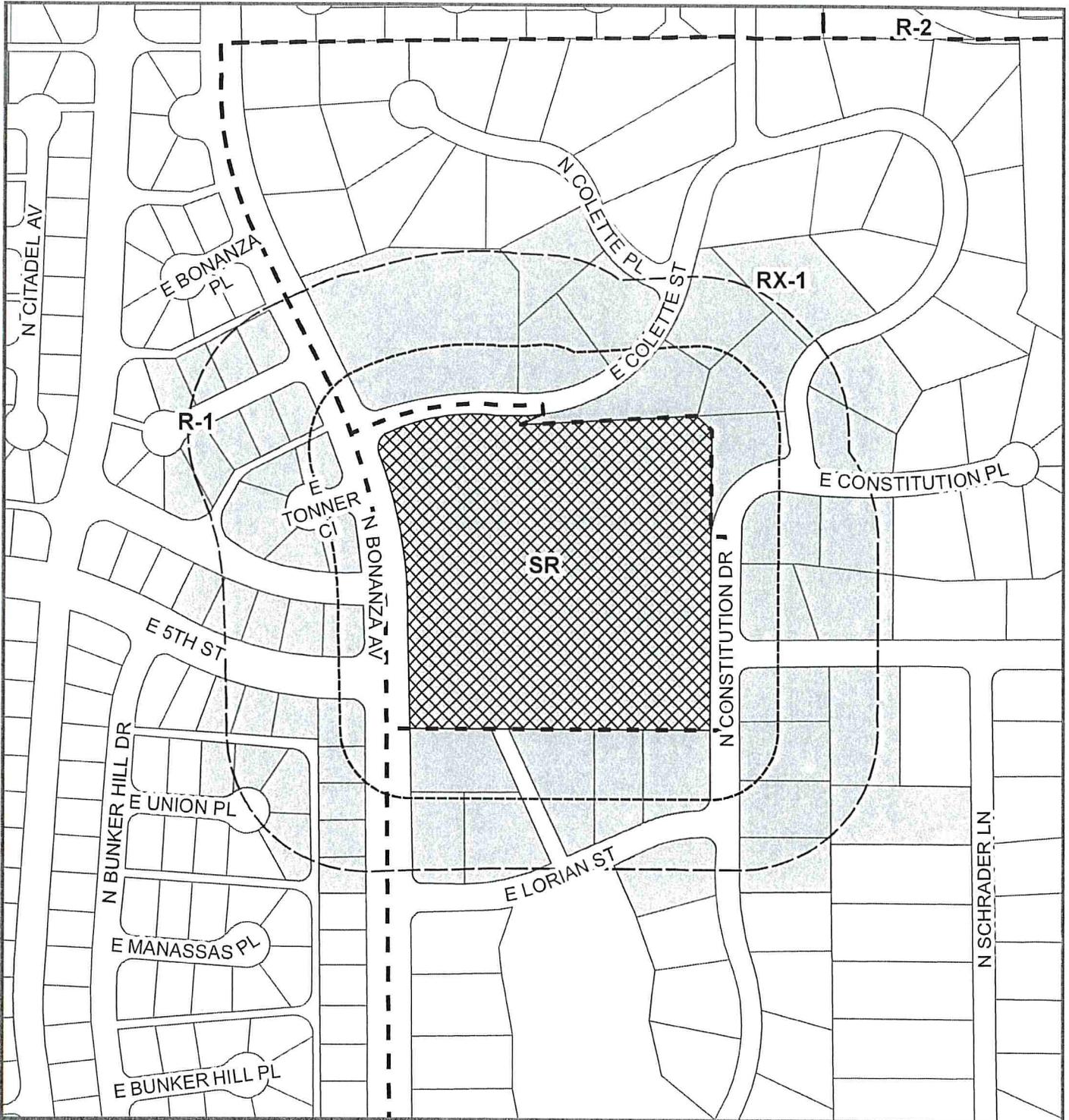
 Subject Property

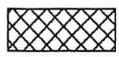
Address: 600 N. Bonanza Ave.
Base Maps: Twp. 14S Range 15E Sec. 11
Ward: 2



C9-18-12 Bonanza 550 LLC - Bonanza Avenue

Rezoning Request: From SR to RX-2



-  Subject Property
-  Protest Area (150-foot Radius)
-  Notification Area (300-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 600 N. Bonanza Ave
Base Maps: Twp.14S Range15E Sec. 11
Ward: 2

