



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

March 17, 2017

C9-16-15 Desert Point 2 - Alvernon Way  
I-1 to R-2 zone

### **BACKGROUND**

This is a request by Paul Nzomo on behalf of John Agresti of Cornerstone Homes to rezone approximately 8.4 acres from I-1 to R-2 zoning to allow a single-family residential subdivision with 42 one and two-story homes.

Land use policy direction for this area is provided by *Plan Tucson*.

### **PUBLIC HEARING SUMMARY (Minutes Attached)**

At the March 2, 2017 Zoning Examiner public hearing, there was one written approval and no written protests. The applicant spoke and agreed to satisfy the Planning and Development Services Department's (PDS) special conditions. He also said the subject property had previously been rezoned but that the previous rezoning had expired in 2014. No one else spoke.

### **FINDINGS OF FACT**

Surrounding Land Uses – To the north of the subject property is vacant land zoned R-2, to the south is residential property zoned R-1 and R-3, to the east is vacant land zoned O-3 and residential property zoned Pima County TR and to the west is residential property zoned R-1 and a Pima County Flood Control District detention basin.

Land Use Plans – Land use policy direction for this area is provided by the *Plan Tucson*. The rezoning site is located within 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 and commercial districts in which 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 and new services and amenities that contribute further to 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.

Transportation– Alvernon Way is identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map. Benson Highway is classified as a medium-volume arterial street with a planned right-of-way of 150 feet on the *Pima County Major Streets Plan* map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 402 vehicle trips per day.

**C9-16-15 Desert Point 2 – Alvernon Way**  
**Rezoning: I-1 to R-2**

Site Plan Considerations The rezoning site is a residential infill project that is compatible with surrounding residential uses.

A Pima County Flood Control detention basin is directly west of the rezoning site. There is an existing chain link fence that borders the eastern boundary. PDS condition #3 recommends a six-foot masonry wall on the eastern boundary adjacent to the multi-family development to the east. The wall will also prevent vehicular access to Thurban Avenue.

The proposal should not have a negative impact on the surrounding residential and vacant properties. The proposal includes a ±0.2-acre internal neighborhood park that will be near the northern boundary, between lots #20 and #21 on the preliminary development plan (PDP) dated January 25, 2017.

Vehicular access to the rezoning site will connect Antrim Loop to the north and south. The southern portion of Antrim Loop is an existing local road that connects to Alvernon Way, approximately one-half mile south of the intersection of Alvernon Way and Benson Highway. The northern portion of Antrim Loop is currently not yet built, but will directly connect to Alvernon Way approximately 900 feet south of the intersection of Alvernon Way and Benson Highway. Antrim Loop will also have indirect access to Benson Highway through the as yet unbuilt local neighborhood streets.

The preliminary development plan indicates that Antrim Loop along with the two proposed cul-de-sacs, Lifeson Place and Limelight Place. Antrim Loop will also serve to provide pedestrian connectivity to the adjacent residential developments north and south of the rezoning site. The interior pedestrian circulation system shall include canopy trees that will provide shade over sidewalk areas. Trees should be located within ten feet of the sidewalk, with a minimum spacing of one tree for every other lot on all interior streets. Sidewalks will be provided along the roadways throughout the proposed development in accordance with Unified Development Code and American Disability Act requirements. Parking and vehicular access appears to be adequate, according to the revised PDP.

The water service for the proposed development will be provided by Ray Water Company.

**CONCLUSION**

The proposed development is consistent with the policy direction provided in *Plan Tucson*. The proposed rezoning from I-1 to R-2 is suitable for this location subject to compliance with the attached Planning and Development Services' conditions.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the R-2 zoning, subject to the recommended conditions.

Respectfully Submitted,



Jim Mazzocco, AICP  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner  
Peter McLaughlin, Planning & Development Services  
Delma Sanchez, City Recording Clerk

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1           ZONING EXAMINER: Okay. I think it's just about time. I  
2 think it's about 6 o'clock, and so let's start on time. So, this is  
3 March the 2<sup>nd</sup>, 2017. This is a Zoning Examiner's hearing.

4           Good evening. My name is Jim Mazzocco, and I'm the Zoning  
5 Examiner for the City of Tucson. I conduct rezoning hearings on  
6 behalf of the Mayor and Council, and make findings of fact which I put  
7 into a report along with my recommendations, which I then send on to  
8 Mayor and Council.

9           My report will be based on the evidence submitted to me as  
10 part of the rezoning, applications as well as on testimony taken  
11 tonight. I'd like to include in the record all documents submitted to  
12 my office up to this hearing.

13           A tape recording of this hearing is being made tonight by  
14 the City Clerk's Office, and if necessary, a transcript will be  
15 prepared.

16           I will prepare a preliminary report and a final report.  
17 After I close the hearing, I'll prepare a preliminary report within  
18 five working days. I'll prepare a final report two weeks after the  
19 close of the public hearing.

20           For those of you who wish to receive a copy of my  
21 preliminary report, and you're not already a principal listed on the  
22 case, please fill out one of the orange cards at the podium, and those

1 (sic) are what the orange cards are for. A copy of the final report  
2 will be available from the Planning & Development Services Department,  
3 and I'll send that report along to the Mayor and Council. They may  
4 consider my recommendations, along with other facts and they will base  
5 their vote on that.

6 At the start of the hearing, I like to have Peter  
7 McLaughlin, seated to my - who's seated to my right, Planning &  
8 Development Services Department, give a presentation on the case.  
9 After that, I will ask for testimony from the public.

10 Since I cannot have any communications with parties  
11 involved in this case, now is the time to speak. If you wish to speak  
12 tonight, wait for me to call you to the podium, then please make sure  
13 to print your name and address very clearly on the sign-in sheet near  
14 the podium. I'll ask you to announce your name and address for the  
15 record and for the Recording Clerk.

16 At this time, I'd like to swear in those wishing to speak  
17 this evening. Will you please now stand for the oath, and raise your  
18 right hand, those wishing to speak. Okay. Do you swear/affirm to  
19 tell the truth, the whole truth, and nothing but the truth?

20 (Affirmative.)

21 ZONING EXAMINER: Okay. Thank you. You can be seated.  
22 So, with that, we will start with the first case, and the only case  
23 this evening, C9-16-15 Desert Point 2, Atrim Loop (sic). Peter, can  
24 you please give me a brief report?

1 MR. McLAUGHLIN: Yes. This is a rezoning request by Paul  
2 Nzomo of Coronado Structural Engineering, LLC, on behalf of the  
3 property owners, Cornerstone Homes of Arizona, to rezone approximately  
4 8.4 acres from I-1 industrial to R-2 residential zoning to allow  
5 residential subdivision with 42 single-family homes, and these homes  
6 are proposed to be a mix of one and two stories with a maximum height  
7 of 25 feet.

8 Planning & Development Services Staff recommends approval  
9 of R-2 zoning subject to the preliminary conditions. The site is  
10 basically surrounded by residential zoning and it's an appropriate, or  
11 suitable location for the residential zoning.

12 The site is part of a, a previous rezoning case, C9-04-15  
13 that was never effectuated. It's the southern portion of that  
14 rezoning site and that case expired on October 4<sup>th</sup> of 2014.

15 Staff has received one written approval and zero protests  
16 on this case. That concludes the Staff report.

17 ZONING EXAMINER: Okay. So, could I have the Petitioner  
18 come forward?

19 MR. NZOMO: Zoning Examiner, Staff members, members of the  
20 public, my name is Paul Nzomo with Coronado Structural Engineering,  
21 1870 West Prince Road, Tucson, AZ, 85705. I'm representing  
22 Cornerstone Homes. (Inaudible) that we are requesting a rezoning from  
23 industrial to residential.

24 This property was previously rezoned as residential, and we  
25 did a plat. But because of one reason or the other, the plat was

1 never recorded. And for some reason, the property owner did not get  
2 the notice it went to somebody else. And then we could not ask for  
3 extension by the time we noticed or realized that the zoning expired.  
4 And that's the reason why we are requesting again for the property to  
5 be rezoned. Thank you very much.

6 ZONING EXAMINER: So, a couple of questions. You have 42  
7 lots or 43 lots, which is it?

8 MR. NZOMO: It is 42 lots.

9 ZONING EXAMINER: Okay. And do you have any kind of  
10 recreation area as part of this?

11 MR. NZOMO: There is a small (inaudible) on the, on the  
12 northeast side.

13 ZONING EXAMINER: Okay. And this rezoning, or this  
14 subdivision, is it a standard subdivision, or a flexible lot design,  
15 do you know?

16 MR. NZOMO: It's gonna, it's gonna be a standard  
17 subdivision, no ROCP or flex design.

18 ZONING EXAMINER: Okay. And you have read the conditions  
19 recommended by Planning & Development Services, and you're in  
20 agreement?

21 MR. NZOMO: We agree with the Staff recommendations and  
22 conditions.

23 ZONING EXAMINER: Okay. And one of those involves the  
24 building of a six-foot masonry wall along the east property line, and  
25 you're aware of that?

1 MR. NZOMO: Correct.

2 ZONING EXAMINER: Okay. Okay. Is there anything else, Mr.  
3 Nzomo, that you'd like to put on the record?

4 MR. NZOMO: No, thank you. I do appreciate Staff. They  
5 have been very helpful with this project, and we look forward working  
6 with the Staff on the project as we move forward.

7 ZONING EXAMINER: Okay. Thank you very much.

8 MR. NZOMO: Thank you.

9 ZONING EXAMINER: So, usually I ask for those who want to  
10 speak in favor, and I will do that. Anybody who wants to speak in  
11 favor? Anybody want to speak in opposition? And anybody want to  
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14 So, with that, taking the evidence and documentation and  
15 testimony provided this evening, this hearing will be - is now closed,  
16 and I will prepare my preliminary report in five working days as I  
17 stated. So, with that, thank you all for coming. This hearing is now  
18 closed.

19 (Case: C9-16-15 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape recorded conversation in the case reference on page 1 above.

Transcription Completed: 03/06/17

  
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KATHLEEN R. KRASSOW - Owner  
M&M Typing Service

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