MEMORANDUM

DATE: August 26, 2009
For September 10, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Ernie Duarte, Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE PLANNING & DEVELOPMENT SERVICES REPORT
SE-09-13 Mosaic Court – Wilmot Road, O-3 & C-1 (Ward 4)

Issue – This is a request by Michael Grassinger, of The Planning Center, on behalf of the property owners, 4-D Properties, to allow the development of two parcels as separate residential cluster projects, each under five acres in size, as a special exception land use. The special exception sites are located south of Stella Road and east of Wilmot Road (see Case Location Map). The preliminary development plan (PDP) proposes two properties (the Stella site and the Wilmot site), comprised of a total of 48 single-family lots on approximately 5.79 acres. The Stella site, located on the south side of Stella Road, east of Wilmot, is comprised of 25 lots on a parcel zoned O-3 and approximately 2.66 acres in size. The Wilmot site, located on the east side of Wilmot Road, south of Stella Road, is comprised of 23 lots on a parcel zoned C-1 and 3.13 acres in size.

On October 24, 2006, the Mayor and Council adopted Ordinance No. 10334 amending the *Land Use Code* Section 3.6.1 Residential Cluster Project (RCP). The amendment added a new section 3.6.1.2 C, requiring RCPs, five acres or less in size, to be reviewed and approved as a special exception through the Zoning Examiner Full Notice Procedure, Development Compliance Code, Sec. 23A-50 and 23A-53. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested special exception RCP subject to the attached preliminary conditions.

Background Information

This special exception request represents the seventh RCP, five acres or less in size, submitted since the Mayor and Council adopted Ordinance No. 10334 in October 2006. Since the acceptance date of this application, the RCP review and related development criteria has been superseded by the "Flexible Lot Development (FLD) Option" *Land Use Code (LUC)* Amendment adopted by the Mayor and Council on February 24, 2009 (Ordinance No. 10636). However, based on protected development rights established per LUC Section 5.3.10 for development projects already in progress, this application has been reviewed under the criteria

and requirements of a residential cluster project (RCP) as previously allowed under the *LUC* Section 3.6.1.

Existing Land Use: Undeveloped.

Surrounding Zones and Land Uses:

Stella Site
North: Zoned R-1; Single-family Residential
South: Zoned O-3; Single-family Residential
East: Zoned O-3; Single-family Residential
West: Zoned O-3; Multi-Family Residential (Wilmot Vista Apartments)

Wilmot Site
North: Zoned O-3; Multi-Family Residential (Wilmot Terrace Apartments)
South: Zoned C-1; Disabled American Veterans Hall & QuikMart
East: Zoned O-3; Single-family Residential
West: Zoned I-1; Davis Monthan Air Force Base

Previous Cases on the Property:

C9-78-63 Deconcini – Stella Road, UR to R-4 & B-1. This was a request to rezone approximately 40 acres to allow the development of a neighborhood shopping center, offices and apartments. On August 1, 1983 the Mayor and Council adopted Ordinance No. 5837. Building Permit PA2974 was issued August 25, 1983 and the case was closed August 30th. Although the apartments were constructed at the southeast corner of Stella and Wilmot, the shopping center has not been developed.

Related Cases:

SE-07-29 Settler's Trace – Third Street, R-3 Zone (Ward 6). This was a special exception request to allow the development of a residential cluster project (RCP-7) in the R-3 Zone. The project site is located on the south side of 3rd Street, approximately 350 feet west of Alvernon Way. The preliminary development plan proposes eleven, two-story, single-family residential units on 0.83 acres. On January 18, 2008, the Zoning Examiner approved the special exception request, subject to conditions.

SE-07-32 Dos Hombres - LLC – Columbus Boulevard, R-1 Zone. This was a request for approval of a special exception land use for a residential cluster project (RCP) on 1.62 acres in the R-1 Zone. The project site is located between Fort Lowell Road and Glenn Street, on the northwest corner of Columbus Boulevard and Blacklidge Drive. The development was comprised of nine, one and two story, single-family residential units, with a maximum height of 25 feet. A public hearing was held on March 6th and the Zoning Examiner approved on March 13, 2008.

SE-08-37 Triple Crown Villas – Sarnoff Drive This was a request to allow for a Residential Cluster Project (RCP-9), comprised of thirty, two-story single-family units on 2.61 acres as a special exception land use in the C-1 zone. The special exception site is located at the northeast corner of Sarnoff Drive and 22nd Street. A public hearing was held on November 20th, and on November 28, 2008, the Zoning Examiner approved the request.

Applicant's Request – The applicant requests approval of two RCP developments on separate parcels, each under five acres in size, as a special exception land use.

Planning Considerations

The special exception site is located within the boundary of the *South Pantano Area Plan* (*SPAP*). The *SPAP*, the *General Plan*, and *Design Guidelines Manual* provide guidance for this special exception request.

The two parcels are within Subarea 3, of the *SPAP,* a three-square mile area, mostly built out with suburban density, single-family residential development. Approximately fifteen percent of the land within Subarea 3 is undeveloped, the majority of which is located along Golf Links and Wilmot roads. About five percent of Subarea 3 is commercially zoned property, of which, eighty percent is undeveloped.

The special exception site fronting Wilmot Road is zoned C-1. Commercial businesses have not been attracted to this area probably due to lack of arterial street connectivity. The proposed site fronts onto a portion of Wilmot Road that extends south of Golf Links and terminates adjacent to a Davis-Monthan Air Force Base boundary. The *SPAP* general policies support residential infill within established neighborhoods and promotes flexible residential clustering designs.

The *General Plan* encourages new residential development that contributes to the visual character of the neighborhood and promotes neighborhood identity. Policies support quality, compatibility and safety in design, and encourage adequate buffering of surrounding development.

Both special exception sites are surrounded by one- and two-story single-family and multi-family residential development. Davis Monthan Air Force Base is located on the west side of Wilmot Road. The Disabled American Veteran's Hall and a QuikMart are located immediately south of the Wilmot site. Vehicular access to the Stella site is proposed from two points on Stella Road. Stella Road, identified as a collector street with a right-of-way of 64 feet on the *Major Streets and Routes Plan (MS&RP*) map, is located north of the Stella site. Vehicular access to the Wilmot site is proposed from one access point on Wilmot Road. Wilmot Road, identified as an arterial roadway with a future right-of-way of 120 feet on the *MS&RP* map, is located on the west side of the Wilmot site. The Pima Association of Governments - Transportation Planning

Division (PAG-TPD) estimates that the proposed development will generate 459 vehicle trips per day.

Design Considerations

Land Use Compatibility – The proposed RCP parcels, located approximately 275 feet apart, are being proposed as a single-family residential development under one subdivision plat with a total of 48 lots. Based on their respective underlying zones, the Wilmot site, zoned C-1, is proposed as RCP-9 and the Stella site, zoned O-3, is proposed as RCP-8. The Wilmot site proposed density is 7.53 units/acre. The Proposed Stella site density is 9.4 units/acre. These RCP densities are compatible with the medium- to high-density residential development surrounding the project sites.

Both properties are located adjacent to single-family residential subdivisions and apartments. The existing single-family residential development to the south consists of single-story structures, while one- and two-story development is located to the north. The applicant proposes one-story construction for the one structure located directly adjacent to single-family residences. According to the Design Compatibility Report, proposed structures facing existing residential development, will be designed to mitigate privacy issues. Balconies will be prohibited, and windows will be located to preserve privacy.

The Wilmot Vista Apartments, located at the intersection of Stella and Wilmot roads, is comprised of two-story structures and is adjacent to both sites. The RCP design incorporates greater setbacks and buffers to surrounding residential properties. The incorporation of walls and landscaped buffer yards offers greater separation and privacy to the existing residents.

Screening and Buffering – Screen walls, five and three feet in height, exist along the south and east property lines respectively, of the Stella property. An additional chain-link fence is located along the east boundary, adjacent to the common area detention basin for Wilmot Vista. The Mitigation Plan shows a 57 foot building setback along the south boundary of the Wilmot property, adjacent to the Wilmot Vista subdivision. Screening will also be enhanced at this interface by a landscaped buffer yard, seven feet in width, located just inside the wall. A six-foot high wall and a 7.5 foot-wide landscaped buffer yard will also be installed along the west boundary, adjacent to the apartments.

The Wilmot property has an existing five-foot screen wall, along the east property line, adjacent to the Wilmot Vista subdivision, and along the south property line, adjacent to the DAV property. A chain link fence is located along the north boundary, adjacent to the apartments. The applicant proposes a masonry wall, six feet in height along the north side of the Wilmot property. The Mitigation Plan shows a landscaped buffer, 20 feet in width, and a building setback of approximately 50 feet, along the east property line, adjacent to the existing subdivision, to maintain privacy for the existing area residents.

Architecture – Three model homes are proposed, ranging from 1,741 to 2,243 square feet in size. Lots are oriented to using passive solar techniques to minimize energy usage. Both flat and gable roofs are included to emulate the roofs of the surrounding apartments and the single-family homes. A typical southwestern architectural design is proposed, using stucco and metal building materials, in colors that blend with the existing development. Front entries are positioned toward the rear of the unit to allow a larger pedestrian area with sidewalks at the back of the lots, away from streets and parking areas. Clerestory windows for the first floor of each home, have been placed to ensure privacy from the front entry throughout the pedestrian area.

Recreation – The RCP sites are provided enhanced buffer yards and small pockets of open space within the development. No recreational amenities are proposed on site. Both sites are within one-half mile of Del Vista Prado City Park, which provides lighted ball fields, a playground and picnic tables. In addition, the Escalante Heights Recreation Area, another City-owned facility, with playground, turf and pool, is located on Nicaragua, approximately six-tenths of a mile to the southeast east of the site. Both parks can be accessed using only local streets and without having to cross an arterial.

Drainage/Grading/Vegetation – Both sites are within the Julian Wash watershed. Neither site lies within a mapped 100-year floodplain. Because the sites lie within a balanced basin and have a proposed density greater than 3 RAC, both detention and five-year threshold retention are required. The PDP for each site indicates construction of a detention/retention basin as required.

The applicant proposes landscaping along the interior streets, interior pedestrian walkways and between the project sites and the surrounding existing developments. Fifteen gallon canopy trees are proposed in the front yard of every other, on both sides of the interior streets and one tree will be planted for every four visitor parking spaces. The applicant is proposing to plant shrubs or small trees to the south of the Stella site, as requested by the existing neighbors to preserve views to the north.

Road Improvements/Vehicular Access/Circulation – Private streets provide interior circulation and access to individual units. Pedestrian walkways are designed to be located away from streets and parking areas to the greatest extent possible. The *Land Use Code* requires 48 visitor parking spaces and the proposed design provides a total of 30 visitor spaces. The Zoning Administrator has agreed to accept and support a Development Standard Modification Request (DSMR) to reduce the required visitor parking from 48 to 30 spaces. The Planning and Development Services Department has historically accepted and approved similar requests in other RCP subdivisions.

Environmental Services requests that the owner or developer provide adequate street frontage at each lot for individual automated plastic containers (APCs) to collection refuse and recycle service. Environmental Services staff recommends that the owner/developer provide a minimum clear area, three feet by three feet in size, for individual refuse and recycle service containers in front of each lot. The clear area must be located off-street and without obstructing structure/signage or private property.

Development Incentive

RCPs less than five acres in size are subject to Section 3.6.1.4 of the *LUC*. The proposal must meet six of the nine purpose statements. Below is the applicant's analysis of the proposal. Staff finds the proposal is in substantial compliance with all of the purposes.

Section 3.6.1.4 Development Criteria of the *LUC*:

A. General Criteria.

Section 3.6.1.1 Purpose. The purpose of the Residential Cluster Project (RCP) is to provide greater flexibility and creativity in the design of clustered residential development by:

A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, barrier-free housing, development within low-income areas, and in-fill housing projects;

The application states that twenty-five percent of the proposed units will have barrier free accessibility. The proposed project represents an infill housing project.

B. Maintaining consistency with the goals and objectives of the General Plan;

The proposed development is consistent with the goals of the General Plan to "promote quality design for residential use …". (Element 4: Community Character and Design, Policy 6)

"All development should incorporate environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community." (Supporting Policy 6.1)

The proposed development density is compatible with the medium to high-density residential development surrounding the project site. A single story structure is proposed where directly adjacent to existing one story, single-family residences. According to the Design Compatibility Report, proposed structures with windows and balconies facing existing residential development, will be designed to prevent any invasion of privacy. In addition, clerestory windows for the first floor of each proposed home, will be thoughtfully placed to ensure privacy from the front entry of the units throughout the pedestrian area.

The applicant proposes landscaping along the interior streets, interior pedestrian walkways and between the project sites and the surrounding existing developments. Along the perimeter of both properties, the applicant proposes fifteen-gallon canopy trees, planted 33 feet apart. The applicant proposes masonry walls, six feet in height along the west side of the Stella property

and along the north side of the Wilmot property. All screening is to be architecturally integrated with the overall project.

C. Providing incentives for design and development of low and moderately-priced housing;

The price of the proposed homes range from $179,000.00 to $240,000.00

D. Consolidating open space;

Open space is located around the perimeter of both project sites. In addition, the site design and rear-located unit entries allow larger pedestrian areas internal to the project. Two open space areas are also consolidated at the northeast and the northwest corners of the Stella property. The open space area on the east side is located next to the area designated as common area for the Wilmot Vista Subdivision, providing a deep setback between the proposed project and the subdivision entry street, Nastar Drive.

The Wilmot property has consolidated open space in the northwest corner and along the west side of the project site, providing a wide setback between Wilmot Road and four proposed units. The open space on the northwest corner will also serve as retention/detention. Open space has also been consolidated at the north and south ends of the eastern units on Lots 15-23.

E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;

The project has been designed with an efficient arrangement of the structures, private streets and open space areas. Lots are oriented using passive solar techniques to minimize energy usage The locations of the open space areas provide an opportunity to increase structure setbacks from Wilmot Road and existing development. Although the proposal does not offer on-site recreational amenities, the project location is within one-half mile of a City park. The park provides lighted ball fields, a playground and picnic tables. The applicant will contribute impact fee toward the development of new parks or for improvements to existing parks in the vicinity of the project site.

F. Preserving to the greatest extent possible existing landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, and floodplains, and integrating such features with structures and other improvements;

The applicant is proposing to landscape the south side of the Stella property with shrubs and smaller trees, such as Whitethorn Acacia trees, to preserve views to the north. The use of shrubs and small trees is responsive to concerns expressed by the neighbors adjacent to the project site.

G. Providing usable and suitably located recreation facilities and other public and common facilities;

As part of the proposed project, the owner/developer will provide an additional 24 feet of pavement, curb and sidewalk along Wilmot and Stella roads and Nicaragua Drive. The proposed development is located within one-half mile of the Vista Del Prado City Park.

H. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; and

Both flat and gable roofs are proposed to emulate the roofs of the surrounding apartments and the single-family homes. A typical southwestern architectural design is proposed, using stucco and metal building materials, in colors that blend with the existing development.

I. Encouraging high-quality development within the City.

The proposed project represents a high-quality infill project and provides a good use transition between surrounding single and multi-family residential and commercial/office development.

Conclusion – The two RCP developments, less than five acres in size, are in general conformance with the policy direction of *South Pantano Area Plan*, the *General Plan*, and the guidance provided by the *Design Guideline Manuel*. Subject to compliance with the attached preliminary conditions, approval of the proposed RCPs as a special exception land use is appropriate.

s:/special exception/2009/SE-09-13 sr.doc

PROCEDURAL

1. A subdivision plat in substantial compliance with the preliminary development plan dated June 19, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.

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".

3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

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. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.

6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.

7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. Prior to tentative plat approval, tentative plat to provide scaled, and in color four-sided building elevations, color pallet naming paint color and paint codes, as part of the submittal of the tentative plat to demonstrate compliance with RCP requirements on sites of less than five acres in size. Tentative plat submittal to include color photos of adjacent residential units on bordering residential developments and an aerial map that identifies the location and position of each photo taken.

9. Two-story units shall not exceed 24 feet in height. Two-story units located directly adjacent to existing single story residential developments, shall be prohibited. Second story balconies shall be prohibited for all units adjacent to one story residential development.

10. Clerestory windows for the first floor of each home, shall be located to ensure privacy from the front entry throughout the pedestrian area.

11. The owner/developer shall provide a decorative masonry wall, six feet in height, along the full length of the north perimeter of the Wilmot property.

12. The owner/developer shall provide a decorative masonry wall, six feet in height, along the full length of the western perimeter of the Stella property. The owner/developer shall provide a decorative masonry wall, five feet in height, along the south property line of the Stella property.

13. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations. All walls shall be architecturally integrated with the overall project. The owner/developer shall submit wall elevations, color pallet naming paint color and paint codes, as part of the tentative plat to demonstrate compliance.

14. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

15. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:

    a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.

    b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.

    c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

    d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

    e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

16. Canopy trees planted around the perimeter of the sites shall be placed no greater than 33 feet apart. Smaller/shorter growing trees, such as Whitethorn Acacia, shall be planted on the south side of the Stella parcel and located to avoid obstructing views to the north.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

17. The owner/developer shall dedicate (or verify the existence) of the right-of-way, according to the *Major Streets and Routes Plan (MS&RP)*, along the abutting roadway frontages.

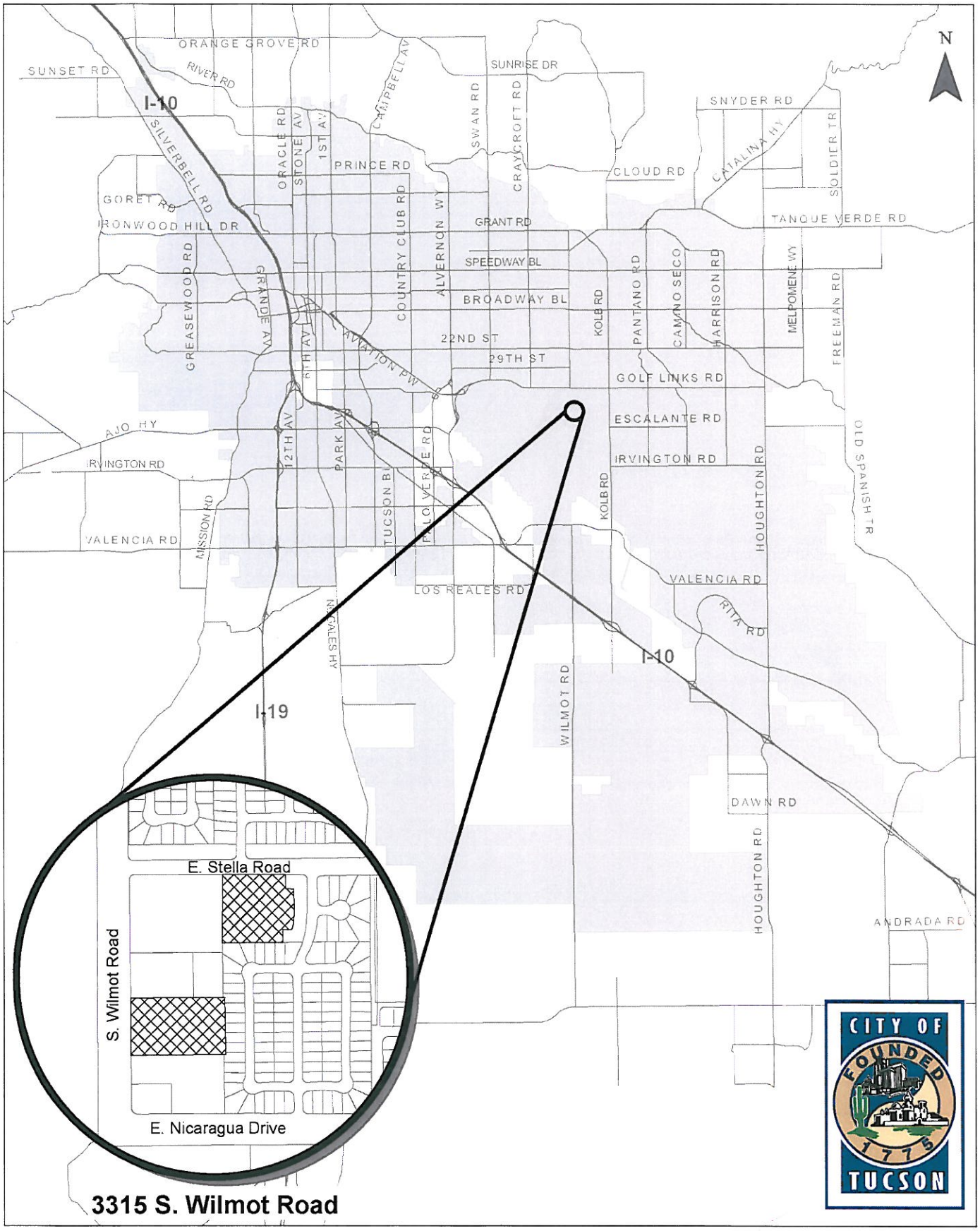
18. The owner/developer shall install (or verify the existence) of sidewalks, six feet in width, along the abutting roadway frontages.

19. The owner/developer shall close all unneeded existing curb cuts.

20. The owner/developer shall provide adequate street frontage at each lot for individual automated plastic containers (APCs) for the collection of refuse and recycle service.

21. The owner/developer shall provide a minimum clear area, three feet by three feet in size, for individual refuse and recycle service containers in front of each lot. The clear area must be off-street and without obstructing structure/signage or private property.

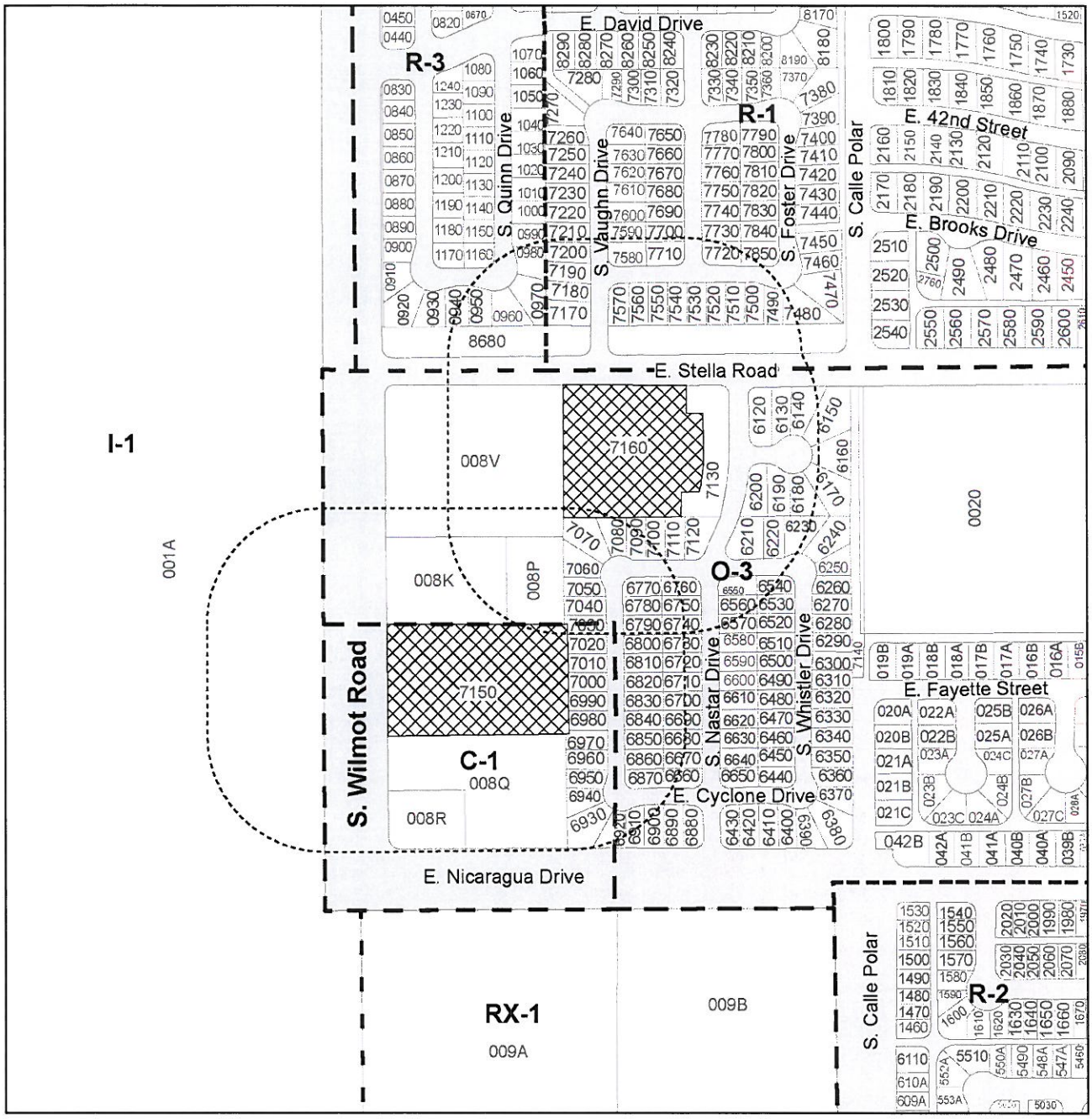
SE-09-13 Mosaic Court - Wilmot Road



3315 S. Wilmot Road

SE-09-13 Mosaic Court - Wilmot Road

Special Exception - Full Notice Procedure



N

0 200 400 Feet

1 inch = 400 feet

Area of Special Exception Request

Notification Area (300 foot radius)

Zone Boundaries

Zoning of Requested Area: O-3 and C-1

Neighborhood, Area Plan(s): South Pantano Area Plan
Address: 3315 S. Wilmot Road
Base Maps: Sec.30 T.14 R.15
Ward: 4

created by: JJK, 7/2/2009

SE-09-13 Mosaic Court - Wilmot Road
July 2009 Aerial

Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests <u>must</u> have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: SE-09-13 Mosaic Court – Wilmot Road, O-3 & C-1 (Ward 4)

_____ I/We the undersigned property owners, wish to

☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

_____

_____

_____

_____

_____

_____

_____

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_____

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

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SE-09-13

City of Tucson
Planning & Development Services
Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-09-13
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED