MEMORANDUM

DATE: September 23, 2009
For October 8, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: Ernie Duarte, Director
Planning & Development
Services Department

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT SERVICES REPORT
SE-09-20 Osborne – El Rancho Merlita, 1937, RX-2 Zone (Ward 2)

Issue – This is a request by Diane Osborne, on behalf of the property owners, El Rancho Merlita, LLC, to allow a bed & breakfast facility as a special exception land use in the RX-2 zone. The special exception site is located on the south side of Wrightstown Road, west of Camino Seco (see Case Location Map). The preliminary development plan proposes to restore and remodel the two existing homes, a main ranch house at 1924 N. Corte El Rancho Merlita and a guest house at 1937 N. Corte El Rancho Merlita. LUC Sec. 2.3.3.3.B.1 permits as Special Exception land use through the ZEFNP. The RX-2 special exception Home Occupation, Traveler's Accommodation, Lodging permits only up to eight guests. Therefore, the businesses must be approved and operated separately. This report is for the guest house located at 1937 N. Corte El Rancho Merlita which will be named Arroyo House Bed and Breakfast.

Planning and Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested special exception use, subject to the attached recommended conditions.

Background Information

Existing Land Use: Single family residence and guest house.

Surrounding Zones and Land Uses:

North: Zoned SR; Single-family residential
South: Zoned R-2; Townhouses
East: Zoned SR; Single-family residential
West: Zoned RX-2; Single-family residential

Previous Cases on the Property:

C9-04-06 El Rancho Merlita – Wrightstown Road, SR to RX-2. This was a rezoning request to allow the construction of 17 one-story, single-family residences on 12.7 acres located on the

south side of Wrightstown Road between Sarnoff Drive and Camino Seco Road. On June 14, 2005, Mayor and Council adopted Ordinance No. 10156. The ordinance became effective with the recording of a subdivision plat (Book 61 Page 18) on April 25, 2006.

Related Cases: None

Applicant's Request – To restore and remodel an existing guest house for the purpose of operating a Home Occupation, Traveler's Accommodation, Lodging facility consisting of four-bedrooms with maximum accommodation of up to eight guests.

Planning Considerations

Policy guidance is provided by the *Pantano East Area Plan* and the *General Plan*. *Pantano East Area Plan* policies protect the integrity of established neighborhoods by requiring that new development be compatible with existing development. Adjacent uses must be adequately buffered. Use of appropriate design elements to achieve compatibility and buffering must be demonstrated during the review processes.

General Plan policies promote development that is compatible with Tucson's urban form, community character and environmental setting. Neighborhood identity, visual character and quality in design are promoted for all new development. An interconnected trail network based on the natural wash system is to be provided. Other policies promote the long-term management and maintenance of urban vegetation to maximize environmental and other community benefits. Water harvesting is encouraged.

The Robb Wash flows from south to north along the western edge of the site, draining towards Tanque Verde Creek. The wash banks are heavily vegetated, and it is designated as a *WASH Ordinance* wash per the City of Tucson, and an Important Riparian Area per Pima County's Conservation Lands System. In accordance with a rezoning condition, the wash and adjacent areas are to be maintained as natural open space. The wash is also a designated trail per the *Eastern Pima County Trail System Master Plan*. During the platting, a non-motorized public trail easement was granted along the wash, north of the ranch house and guest house properties. Access to the wash and trail was provided from Corte el Rancho Merlita.

Rancho Merlita is located along the southern side of Wrightstown Road halfway between Sarnoff Drive and Camino Seco. Vehicular access to the site is proposed from Wrightstown Road, which is identified, as an arterial roadway with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map.

Rancho Merlita's Travelers' Accommodation, Lodging – Home Occupation request is subject to Section 3.5.7.4. – B., E, .F, .G, .H, .I, .J, .K, .L, and .N. of the *Land Use Code*. To address the required performance criteria, the applicant submitted an analysis report which is attached at the end of this staff report. Staff has reviewed the submitted analysis report and finds the proposal to be in substantial compliance with the performance criteria.

The Fire Department will require a fire hydrant due to the change of use from residential to commercial (traveler's accommodation).

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The El Rancho Merlita subdivision is planned as a low-density, semi-rural, custom-home development along Robb Wash, in the interior of an established residential area. Two new homes have been built on the lots directly north of the ranch house and guest house. The remaining lots are currently vacant. To the east of this special exception site are the northern portion of the ranch house lot, and one of the new homes that was recently completed in Rancho Merlita. Further east are large, unsubdivided lots with homes, in SR zoning. To the north is the other new home that was recently built in Rancho Merlita, also in RX-2 zoning. Further north are vacant Rancho Merlita lots. To the west and southwest across the Robb Wash are single family homes in RX-2 zoning. To the south is the ranch house property. The proposed bed and breakfast will be located at the southern end of the subdivision, away from Wrightstown Road and adjacent to the Robb Wash, in a scenic setting that offers views of the Catalina Mountains.

The *LUC* performance criteria limit the number of guests that can be accommodated at any one time to eight, and the number of sleeping rooms to four, both of which will limit the intensity of the proposed use, and the associated traffic and noise.

On July 17, 2009, the DRB recommended approval of this Special Exception land use request, subject to the applicant screening exterior mechanical equipment that is visible to adjacent properties. This requirement is set forth in Condition 10.

Barbed wire fencing exists along the Robb Wash, and on top of the wire mesh fence along the southern property boundary. In general, the use of barbed wire fencing in the developed metropolitan area is discouraged; however, there is significant vegetation which has grown up through the barbed wire, which serves as screening for neighboring properties. Under these circumstances, staff will not require removal of the barbed wire.

Drainage/Grading/Vegetation – Robb Wash, a WASH Ordinance watercourse, flows northward along the west side of Lot 12, the location of the main ranch house. The guest house is also within the WASH Ordinance study area, the regulatory floodplain of Robb Wash, and the regulatory erosion hazard setback from the bank of Robb Wash. Development within the erosion hazard setback and regulatory floodplain is subject to the requirements of the Floodplain Ordinance. The applicant is not planning to construct additional buildings or to change the footprint of the existing buildings. Onsite work will consist of remodeling and renovating the existing ranch house. However, if renovations or modifications of the structure total more than 50% of the assessed value of the structure the entire structure must be brought into full compliance with the floodplain ordinance.

The site is lies within the Robb Wash watershed. Since Robb Wash is a non-designated watershed, and the lot is smaller than one acre in size, detention/retention is not required.

Road Improvements/Vehicular Access/Circulation – Public roadway modifications were completed and a right-turn deceleration lane was installed on Wrightstown Road as required by rezoning case C9-04-06 El Rancho Merlita – Wrightstown Road, SR to RX-2 subdivision improvements. Also as part of the subdivision improvements a box culvert was installed to provide access from Wrightstown Road over the Camino Seco Wash. Corte El Rancho Merlita, a private road having all-weather access from Wrightstown Road will serve the guest house, the subject of the special exception.

Conclusion – The proposed bed and breakfast use is consistent with the policy direction provided by the *Pantano East Area Plan* and the *General Plan*. Planned site improvements will be respectful of the site's past, while contributing to and enhancing the ambiance of the neighborhood today. The proposed use is generally compatible with the surrounding residential uses. Subject to the attached recommended conditions, approval of the Special Exception land is appropriate.

s:/special exception/2009/SE-09-20 sr.doc

Preliminary Conditions

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated July 31, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 5.3.8. 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 Special Exception Land Use".

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 the special exception land use.

8. Due to the change of use, from residential to commercial (traveler's accommodation) a fire hydrant is required. Contact Dave Mann in the Tucson Fire Department for additional information.

DRAINAGE/GRADING/VEGETATION

9. If renovations or modifications of the existing structure total more than 50% of the assessed value of the structure, the entire structure must be brought into full compliance with the floodplain ordinance.

Preliminary Conditions

10. Applicant to install landscaping (Chisos Rosewood) along the southern property boundary, to screen outdoor activities from the adjacent homes to the south.

11. 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.

12. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucsons Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

    To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished

Preliminary Conditions

depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

s/specialexception/2009/SE-09-20 preliminary conditions.doc

DESIGN REVIEW BOARD

July 17, 2009 7:30 a.m.

MINUTES

Public Works Building
Development Services Department, 2nd Floor, North Wing
201 North Stone Avenue
Tucson, Arizona

STUDY SESSION

Statement of cases and distribution of materials with respect to items scheduled for regular meeting, including a general discussion of proposed revisions to the DRB's Rules and Regulations. Updates from City Attorney's Office.

Call to order: 7:33a.m.

Members Present	Members Absent	Staff Present
Page Repp	Bruce Dawson	Russlyn Wells, DSD
John Anderson		Belinda Flores-McCleese, DSD
Kacey Carleton		Michael Taku, DSD
Margaret Joplin		
Henry Tom		

Approval of minutes from June19, 2009 with correction

Motion: Page Repp
Second: John Anderson
Vote: 5-0

Applicants- Attendees

Diane Osborne, 5711 E. Fort Lowell Road, Tucson, AZ 85712

NEW CASES

DRB 09-09 EL RANCHO MERLITA RANCH HOUSE BED AND BREAKFAST/ 1924 NORTH CORTE EL RANCHO MERLITA, RX-2

The applicant's property is a 2.7 acre lot with an existing single family residence proposed for a traveler's accommodation use. The proposed Bed and Breakfast will consist of four (4) rooms with no more than eight (8) guests with a maximum allowable stay of fourteen (14) days. Tucson Land Use Code (LUC) Sections applicable to this project include Section 2.3.3.4.A.4, which identifies the applicable performance criteria for associated with a Home Occupation: Traveler's Accommodation, Lodging use in the RX-2 zone, Section 3.5.7.4. Section 3.5.7.4. B, .E, .F, .G, .H, .I, .J, .K, .L, and .N which provide the performance criteria for Traveler's Accommodation, Lodging in the RX-2 zone and Section 5.17.3 providing "Development Review Board Powers and Duties".

The Applicant's Request

The applicant is requesting the zoning approval necessary to allow a Home Occupation: Traveler's Accommodation, Lodging use.

DRB RECOMMENDS TO THE DEVELOPMENT SERVICES DIRECTOR APPROVAL, FINDING THE APPLICANT'S PROJECT IN COMPLIANCE WITH THE PERFORMANCE CRITERIA SET FORTH IN LUC SECTION 3.5.7.4. B, .E, .F, .G, .H, .I, .J, .K, .L, and .N . SUBJECT TO THE FOLLOWING CONDITION:

A. Applicant to install Vauquelina corymosa (Chisos Rosewood) in area(s) along south property boundary to screen proposed outdoor activities from adjacent properties.

Motion: John Anderson
Second: Kacey Carleton
Vote: 5-0

DRB 09-10 EL RANCHO MERLITA ARROYO HOUSE BED AND BREAKFAST/ 1937 NORTH CORTE EL RANCHO MERLITA, RX-2

The applicant's property is a 26,830 square foot lot with an existing single family residence proposed for a traveler's accommodation use. The proposed Bed and Breakfast will consist of four (4) rooms with no more than eight (8) guests with a maximum allowable stay of fourteen (14) days. Tucson Land Use Code (LUC) Sections applicable to this project include Section 2.3.3.4.A.4, which identifies the applicable performance criteria for associated with a Home Occupation: Traveler's Accommodation, Lodging use in the RX-2 zone, Section 3.5.7.4. B, .E, .F, .G, .H, .I, .J, .K, .L, and .N which provide the performance criteria for Traveler's Accommodation, Lodging in the RX-2 zone and Section 5.17.3 providing "Development Review Board Powers and Duties".

The Applicant's Request

The applicant is requesting the zoning approval necessary to allow a Home Occupation: Traveler's Accommodation, Lodging use.

DRB RECOMMENDS TO THE DEVELOPMENT SERVICES DIRECTOR APPROVAL, FINDING THE APPLICANT'S PROJECT IN COMPLIANCE WITH THE PERFORMANCE CRITERIA SET FORTH IN LUC SECTION 3.5.7.4. B, .E, .F, .G, .H, .I, .J, .K, .L, and .N . SUBJECT TO THE FOLLOWING CONDITION:

A. Screen mechanical equipment that is visible to adjacent properties.

Motion: John Anderson
Second: Henry Tom
Vote: 5-0

RND PRE-APPS

The purpose of the pre-application portion of the meeting is to allow potential Rio Nuevo and Downtown Zone (RND) applicants an opportunity for non-deliberative discussion with the DRB about the project and the RND process, prior to actual submittal of the application.

RND PRE-APPS

The purpose of the pre-app portion of the meeting is to allow potential Rio Nuevo and Downtown Zone (RND) applicants an opportunity for non-deliberative discussion with the DRB about the project and the RND process, prior to actual submittal of the application.

Adjourn 8:40 a.m.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS DRB MEETING, PLEASE CONTACT RUSSLYN WELLS AT 837-4948.

s:zoning administration/drb/071709min.doc

Performance Criteria Statement

El Rancho Merlita Arroyo House Bed & Breakfast
1937 North Corte El Rancho Merlita, Tucson, AZ

Land Use Code 3.5.7.4. B, .E, .F, .G, .H, .I, .J, .K, .L, and .N for Home Occupation: Traveler's Accommodation, Lodging

The proposed special exception use for the property located at 1937 North Corte El Rancho Merlita meets all of the applicable performance criteria as described below. The building and site improvements are compatible with the surrounding residential area and will not require a change in footprint of the building structure.

B. Accommodations permitted for up to eight (8) guests for a maximum of fourteen (14) days. No more than four (4) sleeping rooms may be used to accommodate guests. The property will provide accommodations for up to eight (8) guests for a maximum of fourteen (14) days with four (4) sleeping rooms.

E. Meals may be served only to guests staying in the facility. Separate cooking facilities in guest rooms shall be prohibited. The innkeeper will only make and serve meals for guests staying in the facility. There are no cooking facilities in guest rooms.

F. The Development Services Department Director must determine that the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) shall review all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the Development Services Department Director. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. If the application is within the HPZ, see Sec. 2.8.8.5 for the review procedure for compatibility. (Ord. No. 9967, §3, 7/1/04) The Design Review Board (DRB) reviewed the application on July 17, 2009. DRB recommends to the Development Services Director approval subject to screening mechanical equipment that is visible to adjacent properties. See attached DRB Minutes dated July 17, 2009.

G. No more than one (1) full-time equivalent person not residing on the premises may be employed in the home occupation use. A resident innkeeper will live onsite to manage the guest accommodations. There will be one (1) full-time non-resident cleaning employee. This will be the only non-resident employee.

H. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code. A single, one (1) square foot sign will be mounted to the property masonry landscape wall, between the pedestrian and vehicle entrances. This sign will conform to Chapter 3 of the Tucson code.

Performance Criteria Statement
El Rancho Merlita Arroyo House Bed & Breakfast
1937 North Corte El Rancho Merlita

I. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning. There are no outdoor activities to be screened. All equipment will be screened as recommended through the pre-application conference comments and the DRB review comments.

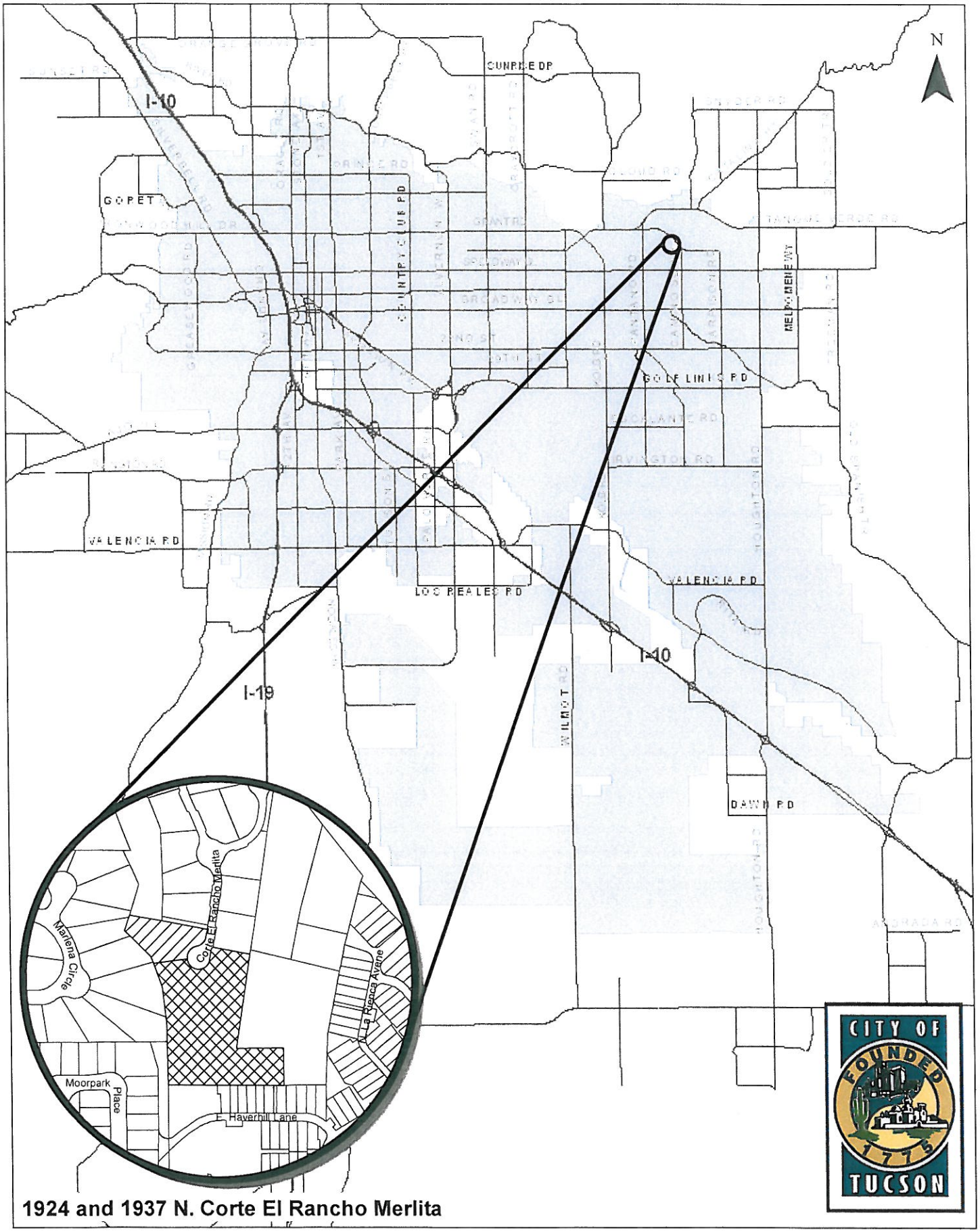
J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted. The home occupation shall not create any nuisance, hazard, or other offensive condition.

K. This use may involve the use of no more than one (1) commercial vehicle for the transportation of persons or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking as required for Travelers' Accommodation, Lodging, is in addition to that required for the residential use. There will be no commercial vehicle associated with the home occupation. Motor vehicle and bicycle parking are included on the preliminary development plan per requirements set forth for the Traveler's Accommodation Sec 3.3.0, as well as those requirements for the residential use.

L. If Home Occupation: Group Dwelling and Home Occupation: Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests allowed for that zone. This site will only be used as a Home Occupation: Travelers' Accommodation, Lodging.

N. Motor vehicle and bicycle parking shall be provided per Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, for Travelers' Accommodation, Lodging. Variances may not be granted from the number of required parking spaces. (Ord. No. 9179, §1, 12/14/98) Motor vehicle and bicycle parking are included on the preliminary development plan per requirements set forth for the Traveler's Accommodation Sec 3.3.0, as well as those requirements for the residential use.

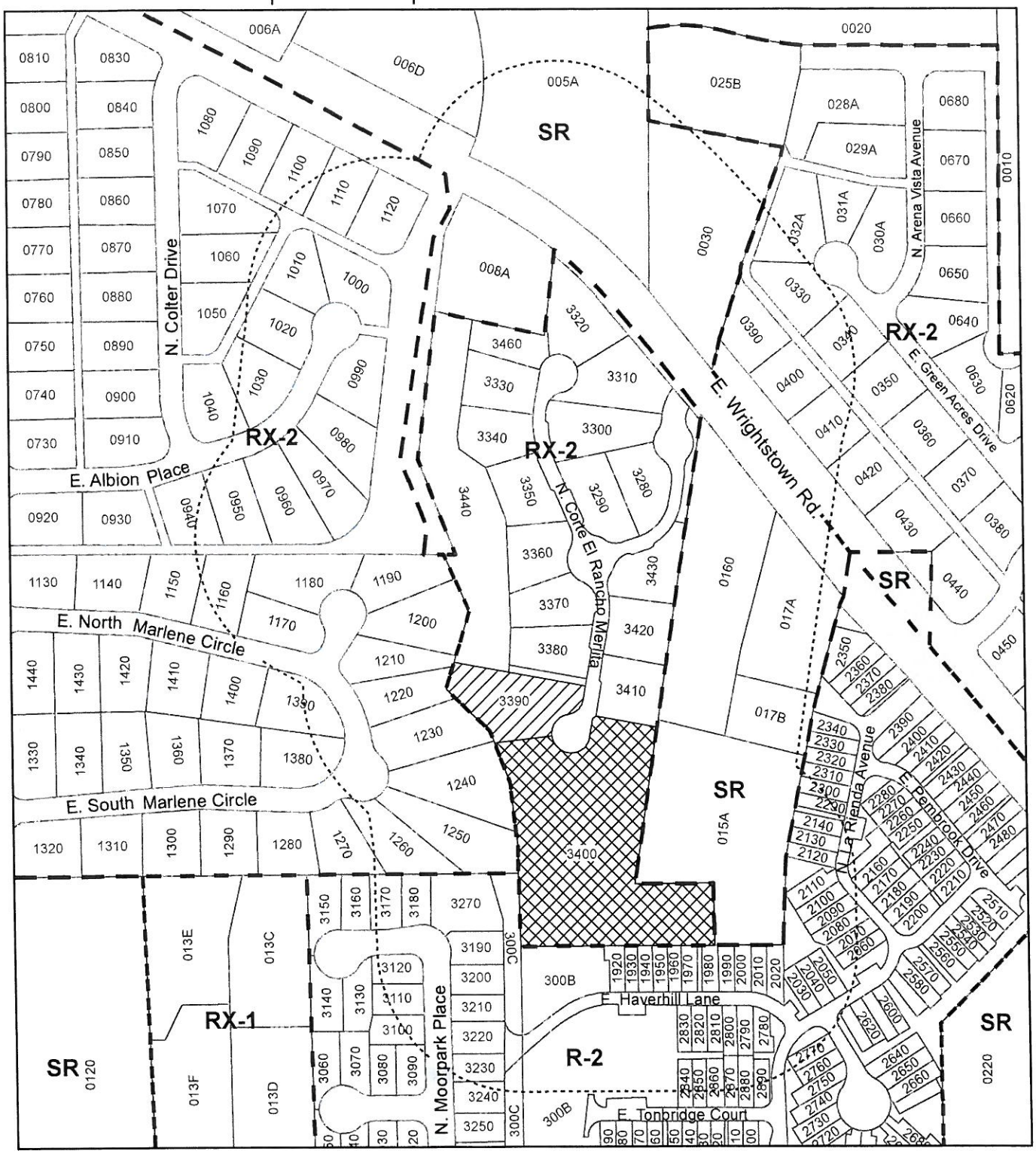
SE-09-19 and SE-09-20 Osborne - El Rancho Merlita



1924 and 1937 N. Corte El Rancho Merlita

SE-09-19 and SE-09-20 Osborne - El Rancho Merlita

Special Exception - Full Notice Procedure



SE-09-19 Area of Special Exception Request

SE-09-20 Area of Special Exception Request

RX-2 Zoning of Requested Area

Notification Area (300 foot radius)

Zone Boundaries

Plan(s): Pantano East Area Plan

Address: 1924 N. Corte El Rancho Merlita
1937 N. Corte El Rancho Merlita

Base Maps: Sec.04 T.14 R.15

Ward: 2

N 0 150 300 Feet

1 inch = 300 feet

created by: JJK, 8/10/2009

SE-09-19 and SE-09-20 Osborne - El Rancho Merlita

September 2009 Aerial

Place
Stamp
Here

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

SE-09-19 & SE-09-20

Expose this flap - Affix stamp and return

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

SE-09-19 & SE-09-20
IMPORTANT REZONING NOTICE ENCLOSED

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 must 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.

Cases: SE-09-19 Osborne – El Rancho Merlita, 1924, RX-2 Zone (Ward 2), and
SE-09-20 Osborne – El Rancho Merlita, 1937, RX-2 Zone (Ward 2)

_____ ☐ APPROVE the proposed rezoning.
I/We the undersigned property owners, wish to ☐ PROTEST the proposed rezoning.

Reason:

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

Owner's Signature: _____ Date _____