



MEMORANDUM

DATE: December 19, 2007
For January 3, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: SPECIAL EXCEPTION LAND USE – URBAN PLANNING AND DESIGN
REPORT
SE-07-26 Kippes - Uhl Street, RX-2 Zone (R-2 Requested under C9-07-29)
(Ward 2)

Issue – This is a request by John Millar, on behalf of the property owner, Ryan Kippes, to allow for a Residential Cluster Project with density increase (RCP-6 (B)) as a special exception land use. The development site is located approximately 1,625 feet south of Broadway Boulevard and 400 feet west of Pantano Road (see Case Location Map). The preliminary development plan (PDP) is for an RCP development comprised of eight, two-story residential units on 0.83 acres.

The project will be processed through two different procedures; a rezoning and special exception land use. The rezoning to R-2, which is required to support the RCP-6 (B) request, shall be processed in accordance with Section 5.4.3 of the *Land Use Code (LUC)*. The rezoning request (C9-07-29) requires a separate staff report but is processed concurrently with this special exception request.

On October 24, 2006, the Mayor and Council adopted Ordinance No. 10334 amending the *LUC* 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. This is an administrative procedure requiring a public hearing and approval by the Zoning Examiner.

The proposed RCP-6 (B) development with density increase for multi-family development is supported under the requested R-2 zone. Since the proposed RCP site is less than five acres, Section 3.6.1.2. C. of the *LUC* requires the RCP to be processed in accordance with the Zoning Examiner Full Notice Procedure. This procedure will be completed prior to the rezoning since it does not require Mayor and Council approval. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The special exception request is subject to the authorization of the rezoning by Mayor and Council.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Single-family residential

Surrounding Zones and Land Uses:

North: Zoned R-3; Multi-family residential (two-story apartments)
South: Zoned RX-1; Religious (Mountain View Church of the Nazarene)
East: Zoned RX-2; Religious (accessory land use to the church)
West: Zoned R-3; Single-family residential

Previous Cases on the Property: none

Related Cases: This is the first RCP to be processed under the October 24, 2006 amendment.

Applicant's Request – The applicant proposes an RCP development with density increase comprised of eight, two-story residential units on 0.83 acres.

Planning Considerations

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)*. The *General Plan* and *Design Guidelines Manual* also provide policy and guidance for land use. The *PEAP* supports infill development projects including town homes that are compatible with the surrounding uses and adhere to relevant site and architectural design guidelines. It also promotes design flexibility by encouraging infill development under the RCP option. The *PEAP*, the *General Plan*, and *Design Guidelines Manual* encourage and support development projects that incorporate quality and safe design elements that enhance the overall function and visual quality of the street and adjacent properties. The adopted plans also call for innovative site design to include design elements of usable open space and active/passive recreational space with handicapped accessible pedestrian facilities.

General Plan policies encourage new residential development that contribute to the visual character of the neighborhood and promotes neighborhood identity. Policies also recommend compatibility with, and adequate buffering of, surrounding development.

The request for medium-density residential development as it is defined in the *PEAP* (up to 15 units per acre) is generally supported along collector streets. High-density residential development (over 15 units per acre) is appropriate along arterial streets. The proposal will

generate a density of 9.64 units per acre. Uhl Street is not designated as a collector or an arterial street on the *Major Streets and Routes Plan* map. The subject site is bordered by a high-density residential development (26.29 units per acre) to the north, single-family residence to the west and a church to the south and east. The area exhibits development and zoning patterns that allude to a transition to high-density land uses. Therefore, the small size of the proposed development, the request of eight units on 0.83 acres, is generally consistent with the adopted plans.

The development site is located on the south side of Uhl Street. The west adjacent property is occupied as a single-family residence. Multi-family residential uses (two-story apartments) are located to the north of the site and west of the adjacent single-family residence. A church and its accessory land use occupy the adjacent parcels to east and south of the development site. A second single-family residence is also located just east of the church, at the southwest corner of Uhl Street and Pantano Road.

Vehicular access to the development is proposed from Uhl Street, identified as a local street. The only access to Uhl Street is via Pantano Road. Pantano Road is an arterial roadway with a future right of way width of 150 feet per the *Major Streets and Routes Plan* map, and is located east of the project site. The proposed residential units will be accessed from Uhl Street by way of a 20-foot wide private street (South Uhl Drive).

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 47 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The project site is located in an area that is transitioning to high-density residential uses. The land uses west of Pantano Road between Broadway Boulevard and Kenyon Drive consist primarily of medium and high-density residential in addition to some office and religious uses. The north side of Uhl Street and where the street ends just west of the project site are developed with high-density residential uses.

The proposed RCP should not conflict with the privacy needs of the adjacent single-family residence. The Design Compatibility Report (DCR) indicates that all four units abutting the residence to the west will not have any balconies on the west facade in order to protect the privacy of the adjacent residence. Second story windows on the west facade will also be limited to clerestory windows with a sill height of seven feet (*see condition 6*). The units east of South Uhl Drive will have balconies overlooking the church property. In addition, units that abut right-of-way and residentially zoned property shall incorporate four-sided architecture, such that building facades at the rear and sides are designed with attention to the architectural character and detail comparable to the front facade (*see conditions 7 and 8*).

The character of the neighborhood can be maintained by applying a design treatment to the new development that is compatible with the existing character of the neighborhood. The design considerations presented in the DCR indicate that the buildings will enhance the area by incorporating elements that are compatible with the surrounding neighborhood, such as the use of stucco over frame construction and utilizing colors that are consistent with the surrounding neighborhood.

To conform to the aesthetic standards and requirements of RCP's, no identical units of the same color shall be placed adjacent to each other (*see condition 9*). Exterior mechanical equipment shall be screened from view from adjacent development and street frontages, and will be architecturally integrated into the overall site design (*see condition 10*). Additionally, all proposed perimeter screen walls adjacent to the right-of-way or abutting residentially zoned property will be painted or constructed of graffiti-resistant material (*see condition 11*). Lots that abut recreation areas will apply safe-by-design concepts through the use of open space fencing material (*see condition 13*). In order to achieve an increased aesthetic appeal of the development, the planting of one (1) fifteen-gallon tree will be required on every other lot along South Uhl Drive (*see condition 14*).

A letter dated October 23, 2007 from the University of Arizona indicated that archeological surveys have never been conducted on the site and no cultural resources have ever been recorded. It is recommended that a professional archaeologist be consulted before any ground-disturbing activity occurs (*see condition 3*). State law requires that the Arizona State Museum be notified of the discovery of any remains so that arrangements can be made for their repatriation and reburial by groups who claim cultural or religious affinity to them.

A Homeowner's Association will be formed to oversee enforcement of the Covenants, Conditions and Restrictions (CC&Rs) created for this subdivision which will include provisions for the maintenance of all common areas, minimization of noise factors or of any other factors which could impact adjacent residentially zoned property.

The PDP designates three recreation areas for the RCP development. Two of the areas, measuring 1,567 square feet each, are located at the southwest corner and southeast corner respectively. The third site, measuring 1,834 square feet is located at the northeast corner of the site. While all three sites have incorporated benches for seating, there is ample space and opportunity for additional amenities such as picnic tables, outdoor grills, shaded sitting areas and a tot lot. An active/passive adult recreational facility, can include a tot lot with appropriate tot equipment and ground material (*see condition 15*). Shade trees selected from the Low Water Use Tolerant List are to be planted and shown on the landscape plan.

Drainage/Grading/Vegetation – The site is less than one acre in size and does not lie within a designated balanced basin or critical basin.

The rain water 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. The specifications for water harvesting shall be clearly delineated on the plat to ensure it is correctly implemented at all necessary stages of construction.

Road Improvements/Vehicular Access/Circulation – The sidewalks and ramps displayed on the PDP encroach into the property. Sidewalks and ramps are to be contained within the public right-of-way (*see condition 17*). The PDP proposes the residential units will be accessed from South Uhl Drive, off of Uhl Street. Each unit has a two-car garage for off-street parking. Six additional guest parking spaces are provided at the north end of the development. The vehicle and pedestrian circulation as demonstrated on the PDP minimizes conflicts. The PDP displays proper connectivity within the development and to Uhl Street.

Development Criteria - LUC Section 3.6.1.4.3. When the RCP site area is five (5) acres or less, architectural design of the proposed RCP shall conform to at least six (6) of the purpose and intent statements as stated in Sec. 3.6.1.1, conform with Development Standard 2-10.3.2.C and must be compatible with, or complementary to, the design characteristics of those existing single-family detached or attached structures along the same block frontage and the block frontage across the street. If the RCP is proposed on a corner lot, then its design will also be compatible with, or complementary to, the design characteristics of existing residential development on the opposite lot corners. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans. (Ord. No. 10334, §1, 10/24/06)

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 PDP and DCR demonstrates that the RCP is an infill development that appears to provide barrier-free housing. The income level for the area as identified on the 2000 U.S. Census Map is 51% to 58% of low and moderate income; however, the site is not located in an Empowerment Zone or the American Dream Downpayment Initiative (ADDI) Program Area. The site has never been surveyed for cultural resources and therefore one will be required prior to any ground disturbing activities. Preservation of natural vegetation does not appear to be a significant for this site. The applicant states that a Native Plant Preservation Exception has been submitted for review.

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

General Plan policies encourage new residential development that contribute to the visual character of the neighborhood and promote neighborhood identity. The design considerations presented in the DCR demonstrate that the buildings will enhance the area by incorporating elements that are compatible with the surrounding neighborhood.

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

The proposed cost of the town homes is not clearly stated in the DCR, however, the applicant indicates that the town homes will be similar to the value of a single-family residence and will not devalue the adjacent residential property.

- D. Consolidating open space;

The PDP proposes three recreation areas within the development with sitting areas.

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

The PDP demonstrates sufficient circulation including connectivity within the site and to Uhl Street. The building arrangement supports the circulation system and divides the site in a manner that addresses the sewer service needs. The west units will tap into a new connection for sewer service while the east units will tap in to an existing connection. Recreation areas are located in areas that can be easily accessed by all residents of the development.

- 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 site has no significant landscape features, topography, protected peaks and ridges and floodplains. The development is projected to enhance the property and the neighborhood by utilizing design compatible with the area and incorporating new landscape to improve the overall aesthetics of the property. In order to achieve an increased aesthetic appeal of the development, one (1) fifteen-gallon tree on every other lot along Uhl Drive will be required.

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

The PDP designates three recreation areas for the RCP development. Two of the areas, measuring 1,567 square feet each, are located at the southwest corner and southeast corner respectively. The third site, measuring 1,834 square feet is located at the northeast corner of the site. While all three sites have incorporated benches for seating,

there is ample space and opportunity for additional amenities such as picnic tables, outdoor grills, shaded sitting areas and a tot lot.

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

The DCR indicates that the development coordinates architectural styles, building forms and relationships by incorporating elements into the design that are compatible with the surrounding neighborhood. To ensure the development is consistent with adjacent land uses, the units that abut right-of-way and residentially zoned property shall incorporate four-sided architecture, such that building facades at the rear and sides are designed with attention to the architectural character and detail comparable to the front facade.

I. Encouraging high-quality development within the city.

The DCR indicates that the development will not devalue the adjacent single-family residence. It is proposed that each townhouse will have a square-footage similar in size to it and should sell for a price similar to the residence. The overall site improvements and the creation of a Home Owner's Association to enforce the Covenants, Conditions and Restrictions (CC&Rs) created for this subdivision demonstrate that this RCP has potential to be a high-quality development.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Pantano East Area Plan*. The special exception request conforms to seven of the nine "purpose and intent statements" as discussed above in Sec. 3.6.1.1 A.B.D.E.G.H.I. Subject to approval of rezoning case C9-07-29 and compliance with the attached preliminary conditions, approval of the special exception land use is appropriate.