



**CITY OF  
TUCSON**  
ZONING  
EXAMINER'S  
OFFICE

May 23, 2012  
Preliminary Report

Alexander Wilson  
2620 W. Ironwood Hill Drive, #13  
Tucson, AZ 85745

Rob Longaker  
WLB Group, Inc.  
4444 Broadway Blvd.  
Tucson, AZ 85711

**SUBJECT: C9-12-13 Wilson – Northway Avenue, R2-R3**  
**Public Hearing: May 16, 2013**

Dear Mr. Longaker,

Pursuant to the City of Tucson Land Use Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-12-13. At the expiration of 14 days from the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (complete with 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 either the Planning and Development Services Department (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 for review and reconsideration may be made to the Zoning Examiner within 14 days of the conclusion of the public hearing.

The public hearing(s) 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 written request for a new public hearing must be filed with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

## **SUMMARY OF FINDINGS**

The requested rezoning from R-2 to R-3 zoning is for an approximately .48 acre parcel on the west side of Northway Avenue, approximately 150 south of Grant Road. The preliminary development plan indicates an 11-unit townhouse development. This development plan is proposed as a correction to existing zoning violations. The original site contained six single-family residential units. Five of these were illegally converted to duplexes without building permits. Since the 11-units now represent a density of nearly 23 residences per acre (RAC), and the existing zoning only allows a maximum density of 15 RAC, applicant seeks this rezoning. In addition to the zoning violations arising from the illegal duplex conversions, applicant has constructed several sheds within the setback area along the west property line.

The development does not meet building code regulations, parking standards, landscaping requirements, setback provisions, sign code regulations, or criteria regarding safe pedestrian paths to the public sidewalk system. The preliminary development plan does not adequately address these violations. Numerous Board of Adjustment variances would be required for the units to remain.

The property has a history of zoning violations caused by applicant's construction without permits.

Applicant's proposal leaves all existing structures in place, with the illegally divided residential units providing floor areas ranging between 250 square feet and 400 square feet. The preliminary development plan indicates the units will share an unpaved driveway in a motor court design configuration. The project's density exceeds the density of surrounding residential uses.

To the east of the site, across Northway are single family detached homes, zoned R-2. Likewise, to the south are single family detached homes. To the west is a small multi-family complex of casitas, zoned R-2. To the north are C-1 neighborhood commercial zone uses, which front on Grant Road.

Vehicular access to the rezoning site is from Northway Avenue, a local street. Grant Road, identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is approximately 150 feet north of the site.

The rezoning site is located within the *Grant-Alvernon Area Plan (GAAP)*. The *GAAP* and the *General Plan* provide land use policy direction. *GAAP* policies aim to preserve, protect, and enhance the integrity of established neighborhoods. *GAAP* policies support development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighboring residents, and that demonstrates sensitivity to surrounding uses through the use of design, location, orientation, landscaping, and screening. Policies also support primary access for

nonresidential and high-density (over 15 units per acre) residential uses, to arterial streets or to a collector street within 300 feet of an arterial street with vehicular traffic directed away from the interior of lower density residential areas. The *GAAP* promotes on-site recreational areas in high-density residential development and encourages a well-defined pedestrian system linked to public sidewalks. *GAAP* guidelines encourage all parking, loading, and vehicle maneuvering requirements to be on-site, and that evenly dispersed canopy trees be planted and maintained within parking areas to provide shade and reduce “heat island” effects.

The *General Plan* policies support a mix of housing types and opportunities throughout the city to meet the diverse needs of residents, and promote increased housing density and compatible residential infill in a range of prices to accommodate changing family arrangements, market conditions, and demographics. *General Plan* policies promote neighborhood identity and visual character and upgrades to neighborhood infrastructure, including sidewalks and street lighting, and the use of safe, innovative design that integrates design elements, such as connectivity, open space, pedestrian networks, and landscaped streetscapes. The planting and long-term management and maintenance of attractive urban vegetation is encouraged to maximize environmental and aesthetic benefits to the community.

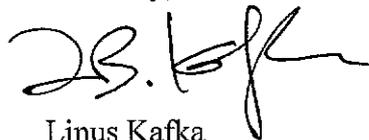
### **CONCLUSION**

Given that the proposal fails to meet policy direction provided by the *Grant-Alvernon Area Plan* and the *General Plan*, fails to comply with applicable codes, and would require numerous Board of Adjustment variances, the requested rezoning is not appropriate at this time.

### **RECOMMENDATION**

The Zoning Examiner recommends denial of R-3 zoning.

Sincerely,



Linus Kafka  
Zoning Examiner

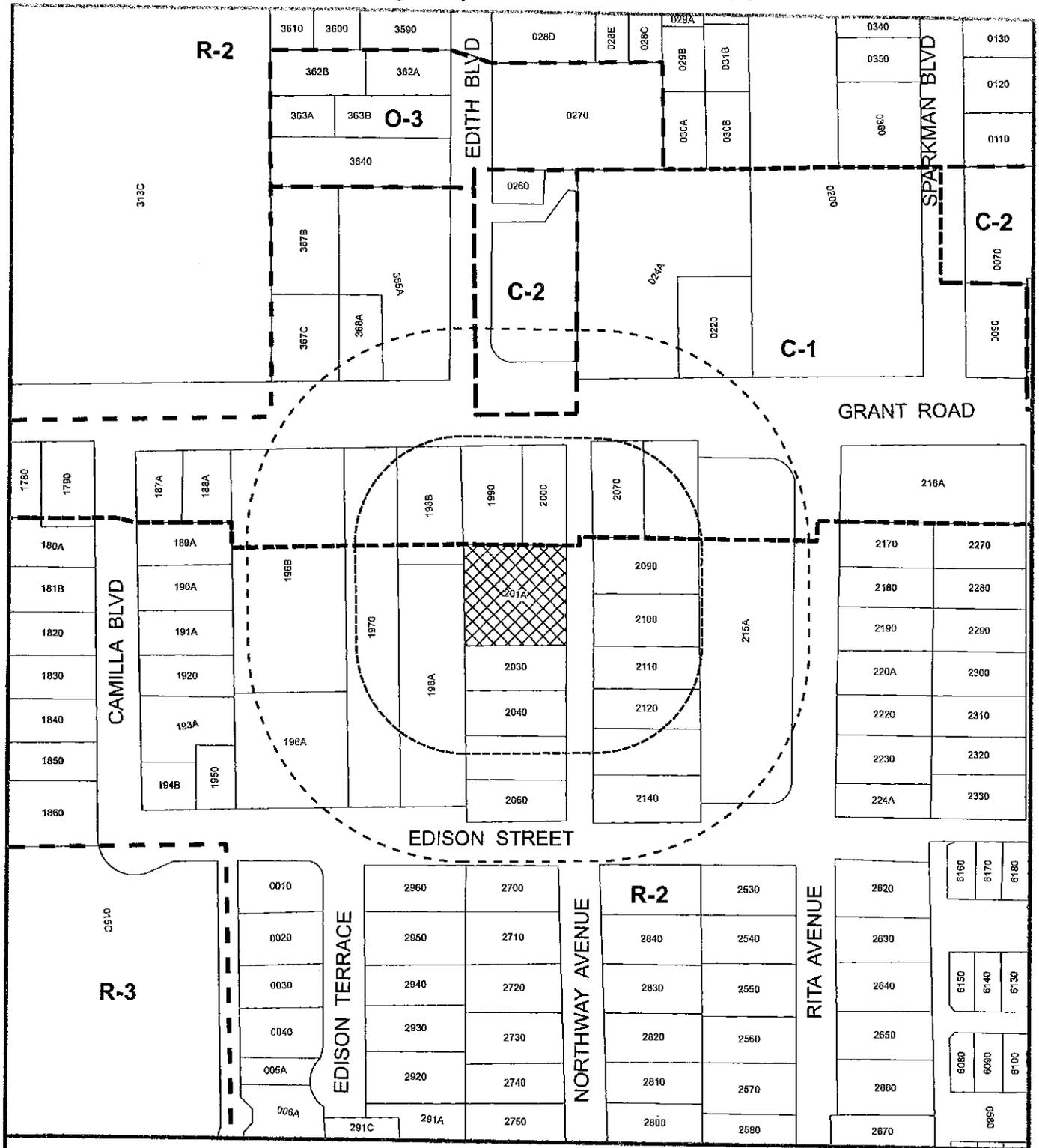
### **ATTACHMENTS:**

Case Location Map  
Rezoning Case Map

cc: City of Tucson Mayor and Council

# C9-12-13 Wilson - Northway Avenue

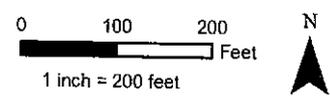
## Rezoning Request: from R-2 to R-3



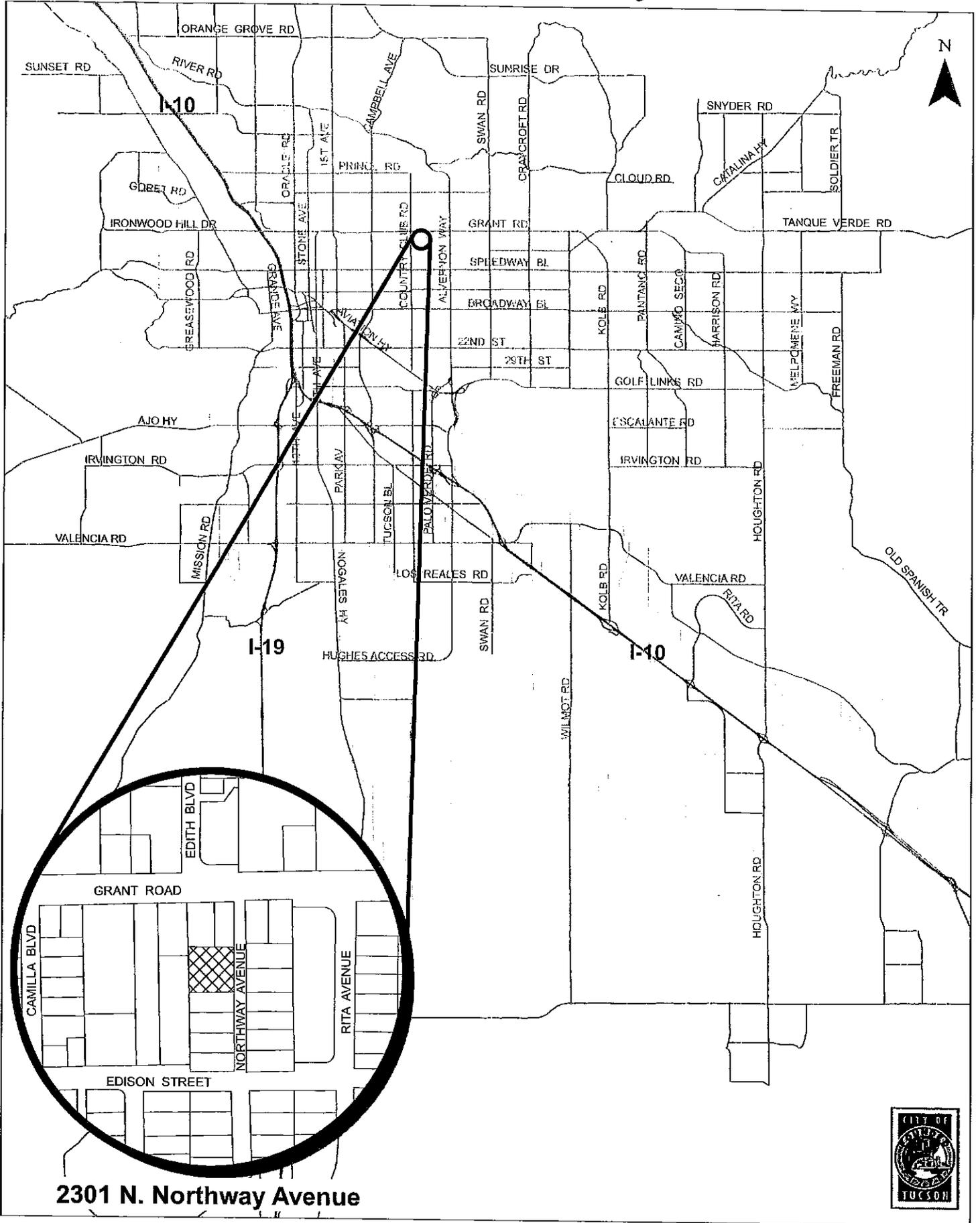
- Area of Rezoning Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries



Address: 2301 N. Northway Avenue  
 Base Maps: Sec.4 T.14 R.14  
 Ward: 6



# C9-12-13 Wilson - Northway Avenue



2301 N. Northway Avenue

