



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

September 5, 2013

**C9-13-02 Mahalo Properties – Brown Avenue
Rezoning RX-1 to R-1
Public Hearing: August 22, 2012, August 29, 2012**

BACKGROUND

This rezoning request from RX-1 to R-1 zoning is to allow the development of the second phase of a residential subdivision located approximately 600 feet south of Wrightstown Road on the west side of Brown Avenue.

Land use policy direction for this rezoning site is provided within the *General Plan* and the *Wrightstown Neighborhood Plan (WNP)*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer also commented that two written approvals and nine written protests were received.

Linda Morales, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning.

The applicant and two neighbors also testified. The public hearing was closed on August 29, 2012.

FINDINGS OF FACT

This is a request to rezone approximately 5.2 acres from RX-1 to R-1 zoning. The rezoning site is located on the west side of Brown Avenue, approximately 600 feet south of Wrightstown Road. The preliminary development plan (PDP) proposes a residential subdivision with thirteen (13) lots, each with a single-family home, for a density of 2.5 units per acre. The project is the second phase of Hacienda at Wrightstown, a proposed residential subdivision on the property located immediately north of the rezoning site, and fronting on the south side of Wrightstown Road and the west side of Brown Avenue. The

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first phase of Haciendas at Wrightstown, consisting of 12 single family homes lots on 4.6 acres (2.6 units per acre), was rezoned from RX-1 to R-1 with rezoning case C9-12-11 Mahalo Properties – Wrightstown Road. Mayor and Council adopted Ordinance No. 11047 on February 26, 2013.

At the time of the first phase of the development there was a public commitment by the applicant that the current phase of development would match the density of the first phase. It is unclear whether this referred to the total number of units in the second phase, or the number of units per acre.

The area around Wrightstown Road and Brown Avenue is a mix of residential and educational uses. To the north of the subject site is the Haciendas at Wrightstown Phase One development, zoned R-1, as well as a single family home and vacant land, zoned RX-1. To the west and south are single-family residences in the RX-1 zone and a subdivision with single family homes in the R-1 zone. Also to the west is an unnamed wash which shall remain in its natural, undisturbed state.

Vehicular access to the subdivision is from a proposed new 32-foot wide private road extending south from Wrightstown Road. Wrightstown Road is identified as an arterial roadway with a future right of way width of 120 feet on the *Major Streets and Routes Plan* map. Brown Avenue to the east of the site is designated as a local street with a 30-foot right-of-way width, with an additional 10-foot proposed dedication along the east side of both phases of the subdivision.

The Planning and Development Services Department recommends approval of the request based on compliance with the *General Plan* and the *Wrightstown Neighborhood Plan*.

Policy 2 of the *Wrightstown Neighborhood Plan* provides specific direction for sites located in the 80-acre area south of Wrightstown Road and west of Harrison Road. In this area, new residential development fronting Wrightstown Road is limited to densities of no more than four units per acre. Policy 2 includes design criteria for landscaping, including preserving natural vegetation within a 25-foot setback from Wrightstown Road and recommending against construction of new walls along the street. Other policies recommend buffering of existing development with walls and vegetation, orienting new residences to protect privacy of adjacent neighbors, preserving the existing neighborhood character, utilizing cul-de-sac streets with access to major streets, limiting new structures to 20 feet in height, and preserving natural vegetation wherever possible.

General Plan polices protect established neighborhoods by supporting compatible development that contributes to the visual character of the neighborhood, incorporates environmentally sensitive design, promotes neighborhood identity, and enhances the overall function and visual quality of the street and adjacent properties. Policies support infill projects that reflect sensitivity to site and neighborhood conditions, and adhere to relevant site and architectural design guidelines. Policies also promote quality and safety

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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 habitat.

The proposed density of 2.5 units per acre is consistent with the four units per acre maximum density supported by the *WNP*. A neighboring property owner, Evelyn Sigafus, testified at the public hearing that the applicant made a specific assurance that Phase Two would only consist of 12 units, to match Phase One. The applicant asserted at the hearing that his intent was to match Phase One in overall density, not in number of units.

A second neighbor, Jackie Gannon, testified regarding concerns over the transition between her property boundary and the proposed development. To address those concerns, the applicant has agreed to additional conditions relating to construction of a wall along the entire eastern and southern boundaries of the development and an appropriate landscape buffer. Along the eastern boundary of lot 25, this wall will be set back ten feet.

The applicant agreed to all other staff conditions.

CONCLUSION

The rezoning site is located in metropolitan Tucson in an area predominantly zoned for residential uses. Given the location of the proposed development along Wrightstown Road, the applicant's site design which minimizes impacts on adjacent residential properties through the use of site screening and buffering, building orientation, drainage mitigation, and development density, and the compliance of the proposed project with the *General Plan* and the *Wrightstown Area Plan*, this rezoning request is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of R-1 zoning, subject to the recommended staff conditions.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report