



# MEMORANDUM

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DATE: July 26, 2013  
For August 15, 2013 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Ernie Duarte Director  
Planning & Development  
Services Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-13-02 Mahalo Properties – Brown Avenue, RX-1 to R-1 (Ward 2)

**Issue** – This is a request by Linda Morales of The Planning Center, on behalf of the property owner, Chito Sapalo of Mahalo Properties, 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 (see Case Location Map). The preliminary development plan (PDP) proposes a residential subdivision with thirteen (13) lots, each with a one-story 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 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 first phase of Haciendas at Wrightstown, consisting of 12 single-family home lots on 4.6 acres, 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.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of R-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Low density single-family residential

### Surrounding Zones and Land Uses:

North: Zoned R-1 and RX-1; Single family home and vacant land with a single-family residential under construction  
South: Zoned R-1; single-family residential  
East: Zoned RX-1; Low density single-family residential  
West: Zoned R-1 and RX-1; Single-family residential

Previous Cases on the Property: none

Related Cases:

C9-83-58 Williamson – Wrightstown Road UR (RX-1) to R-1 This was a rezoning request for approximately 1.66 acres located on the southeast corner of Brown Avenue and Wrightstown Road, approximately 300 feet northeast of the subject rezoning site, to allow the development of 6 lots with one-story, single-family residential units, for a density of 3.61 units per acre. On October 12, 1987 Mayor and Council adopted Ordinance 6812. On November 13, 1987, a subdivision plat was recorded effectuating the R-1 zoning.

C9-84-80 Love – Wrightstown Road UR (RX-1) to R-1 This was a rezoning request for 0.83 acres located on the south side of Wrightstown Road, approximately 500 feet northeast of the subject rezoning site to allow the addition of 3 lots with one-story, single-family homes, to the 6-lot subdivision requested with rezoning case C9-83-58, for a density of 3.61 units per acre. On October 12, 1987 Mayor and Council adopted Ordinance 6813. On November 13, 1987, a subdivision plat was recorded effectuating the R-1 zoning.

C9-85-61 Fidelity National Trust – Wrightstown Road UR (RX-1) to R-1 This was a rezoning request for 10.42 acres located on the south side of Wrightstown Road, immediately adjacent to the west of the subject rezoning site, to allow the development of 30 lots with one-story, single-family residential units, for a density of 2.88 units per acre. On May 4, 1987 Mayor and Council adopted Ordinance 6684. On May 5, 1987, a subdivision plat was recorded effectuating the R-1 zoning.

C9-12-11 Malaho Properties – Wrightstown Road RX-1 to R-1 This was a rezoning request for 4.6 acres located on the southwest corner of Wrightstown Road and Brown Avenue, immediately north of the subject rezoning site, to allow the development of 17 lots with one-story, single-family residential units, for a density of 3.7 units per acre. On February 26, 2013 Mayor and Council adopted Ordinance 11047, rezoning the property to R-1 upon recordation of a subdivision plat.

**Applicant's Request** – The applicant proposes to rezone 5.2 acres from RX-1 to R-1 to allow a single-family residential subdivision, with 13 lots, each with a one-story single-family home, for a density of 2.5 units per acre.

**Planning Considerations**

Land use policy direction for this area is provided by the *Wrightstown Neighborhood Plan (WNP)* and *The General Plan*. Policy 2 of the WNP 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. In addition, specific design criteria are provided requiring preservation of natural vegetation when possible. There is also specific policy direction regarding 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, and limiting new structures to 20 feet in height.

*General Plan* policies protect established residential 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 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 unit per acre maximum density supported by the *WNP*. To the north of the subject site is a single family home in RX-1 zoning, and the first phase of Haciendas at Wrightstown subdivision, a proposed single-family residential development, which was rezoned from RX-1 to R-1 (see related case C9-12-11). To the west is the Hidden Glen subdivision with single-family residences in R-1 zoning (see related case C9-85-61). To the east and northeast across Brown Avenue are single family homes in the RX-1 zone and the Fox Run subdivision, which was rezoned to R-1 (see related cases C9-83-58 and C9-84-80) with single family homes at a density of 3.61 units per acre. To the south is Hidden Hills subdivision comprised of single family homes, zoned R-1.

The applicant attended a rezoning presubmittal conference meeting on April 3, 2013. At this meeting staff discussed a variety of issues that would need to be addressed during the rezoning process, including the need for the Design Compatibility Report to demonstrate compliance with design criteria in the *WNP* document, including buffering of surrounding residences, providing access for the residential use to the west, and identifying wash floodplain and erosion hazard setbacks.

The applicant held a neighborhood meeting on April 17, 2013. The sign-in sheet indicates eleven area residents attended the meeting. The minutes indicate the residents' concerns over losing access to Brown Avenue by way of an existing private easement located across the north property line of the rezoning site. Other neighbor concerns expressed at the meeting included the additional traffic on Wrightstown Road, drainage from the new development, setbacks and buffering of residences to the east, and the size and price of the proposed homes.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7<sup>th</sup> Edition, single family residential uses generate an average of 10 trips per home. Based on the proposed addition of 13 new residential units, the proposed development will generate 130 additional vehicle trips per day. Field inspection by staff indicates there are no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The project site is located in an area characterized by large lots of approximately 4.6 acres and low-density single family residential subdivisions. Access to the new homes will be provided through a new cul-de-sac street, named Ohana Place, with access only to Wrightstown Road, consistent with *WNP* policy direction.

The Design Compatibility Report (DCR) proposes new single-story homes constructed with a height of up to 20 feet, which is also consistent with *WNP* direction. The DCR states that solar panels will be installed on each home and water harvesting techniques will be implemented on individual lots. Cisterns, capable of collecting between 2,000 and 3,000 gallons of rainwater, will be installed in the rear of each home. The DCR further states that homes will be energy efficient and will feature electric car plugs, low flow water fixtures, dual pane windows, Energy Star appliances, and insulated garage doors. In addition, new residential units shall be oriented towards the new cul-de-sac street to protect the privacy of adjacent residents.

Drainage/Grading/Vegetation/Screening – The PDP shows landscaped areas adjacent to portions of Ohana Place and within the proposed detention basins. The PDP site design also preserves the natural wash drainage area located in the southwest corner of the site, consistent with *WNP* policy direction. Protected plants within the site should be preserved in place as much as possible to reduce NPPO mitigation requirements on individual lots. Staff recommends the submittal of a drainage report addressing onsite and offsite drainage and delineation of erosion hazard setbacks and regulatory floodplain areas. The DCR states that as a screening measure, walls will be constructed along the perimeters of the site.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located on the west side of Brown Avenue, however no access is proposed to Brown Avenue from this phase 2 rezoning site. Vehicle access is proposed by way of a new 32-foot wide public cul-de-sac street, named Ohana Place, which extends south from Wrightstown Road through phase 1 of Haciendas at Wrightstown subdivision. 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. An existing home to the west of the rezoning site will access Ohana place via a 40-foot access easement at the northwest corner of the rezoning site. Brown Avenue, to the east of the site, is designated a local street with a 30-foot right-of-way width, with an additional 10-foot dedication proposed along the east side of both phases of Hacienda at Wrightstown subdivision where it abuts Brown Avenue.

Ohana Place is proposed with wedge curbs. The DCR states that pedestrians will utilize the pavement area within proposed Ohana Place and that no sidewalks will be provided within Phase 2 of Haciendas at Wrightstown. However, staff recommends that 4-foot wide sidewalks be constructed for pedestrian safety and access adjacent to Ohana Place throughout the project, per City standards.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated May 13, 2013, 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 (l) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
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. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning. Rezoning will be effectuated upon recordation of the approved final plat.

LAND USE COMPATABILITY

8. Residential unit height shall not exceed twenty (20) feet and is limited to single-story.
9. The number of residential units on the site shall be limited to thirteen (13).
10. New residential units shall be oriented facing the new cul-de-sac street to protect the privacy of adjacent residential units.
11. A building setback of eighteen (18) feet shall be provided between the front of proposed garages and the street property line along the proposed cul-de-sac.

Preliminary Conditions

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

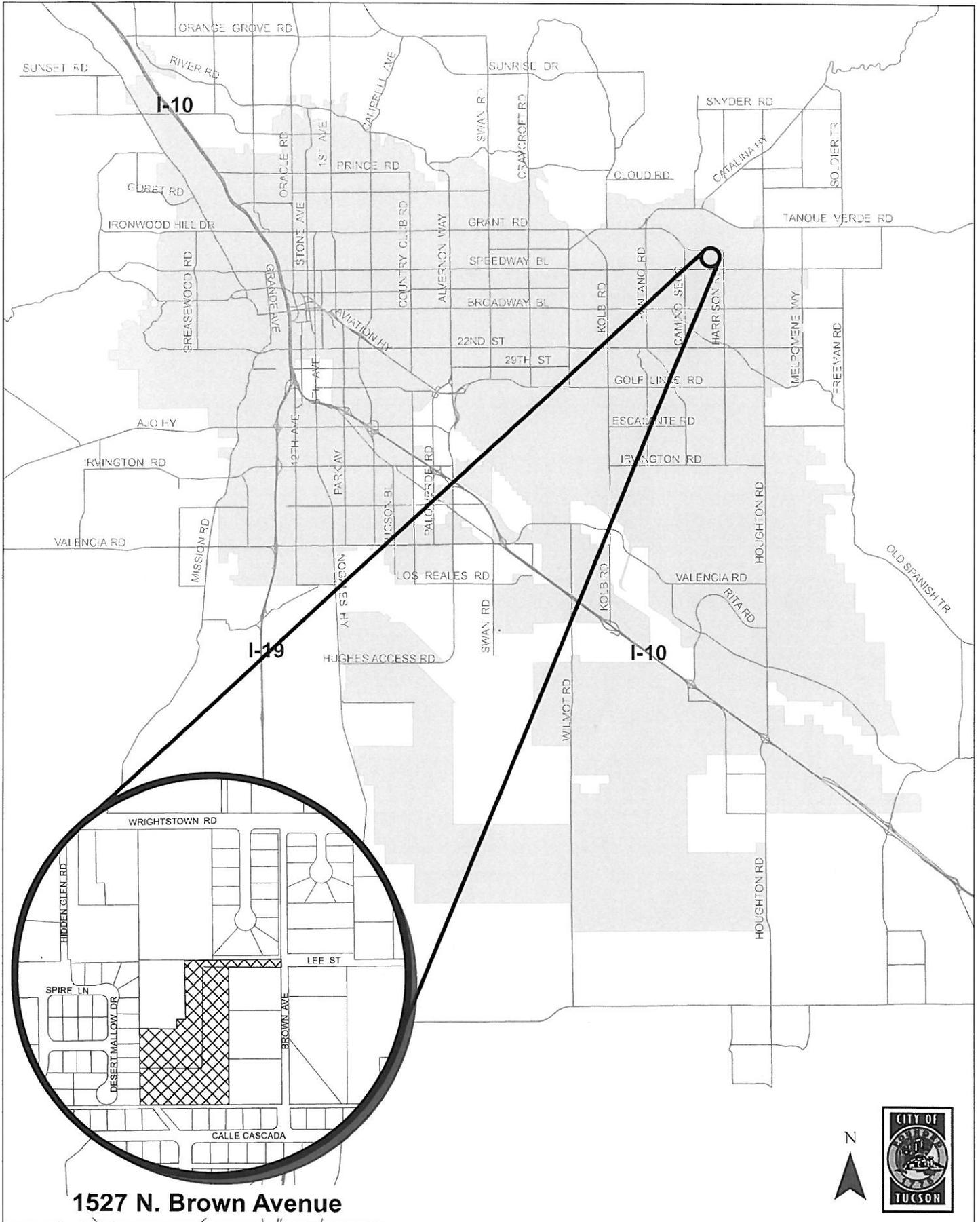
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

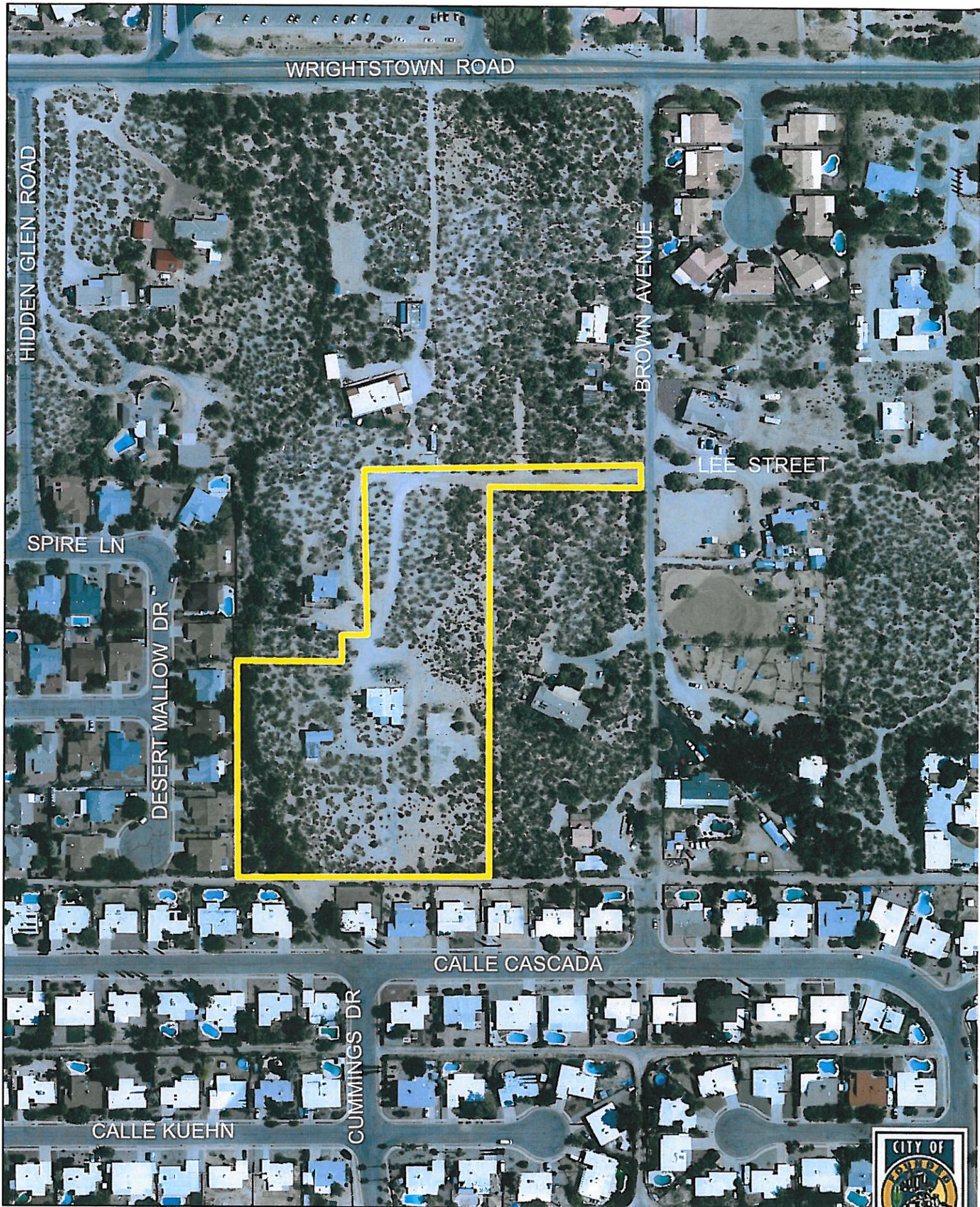
13. Common Area "A" located west of lots 20 and 21 shall remain in its natural state of vegetation and grade and protected by temporary fencing along the south and east perimeter during construction activity/phases. The above shall apply except as follows: allow for disturbance within the 10' private utility easement located along the west line of lots 20 and 21, as depicted on tentative plat/development plan DP13-007, sheet C-1 of 15, Key Note {5} and for riprap slope improvements at west lot line of lots 20 and 21, as depicted in tentative plat/development plan, sheet C4 of 15, Detail-K/C4.
14. A complete drainage report shall be submitted. It shall delineate erosion hazard setbacks and the regulatory floodplain areas with the regulatory water surface elevations in order to establish buildings' finished floor elevations. The drainage report shall address onsite and offsite drainage and its impact on the proposed improvements.
15. New and/or replacement roofing material to be either Energy Star rated or rated as a cool roof (initial solar reflection greater than, or equal to, 0.65 and minimum infrared emittance greater than or equal to 85%); placement and utilizing energy of solar panels on the roof will be considered an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

16. All lots within the rezoning site shall access from Wrightstown Road through the extension of Ohana Place as shown on the Preliminary Development Plan dated May 13, 2013.
17. The project shall include 4-foot wide sidewalks, constructed to meet City street cross-section standards, for pedestrian safety and access throughout the subdivision, adjacent to Ohana Place.

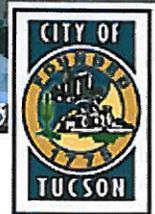
# C9-13-02 Mahalo Properties - Brown Avenue





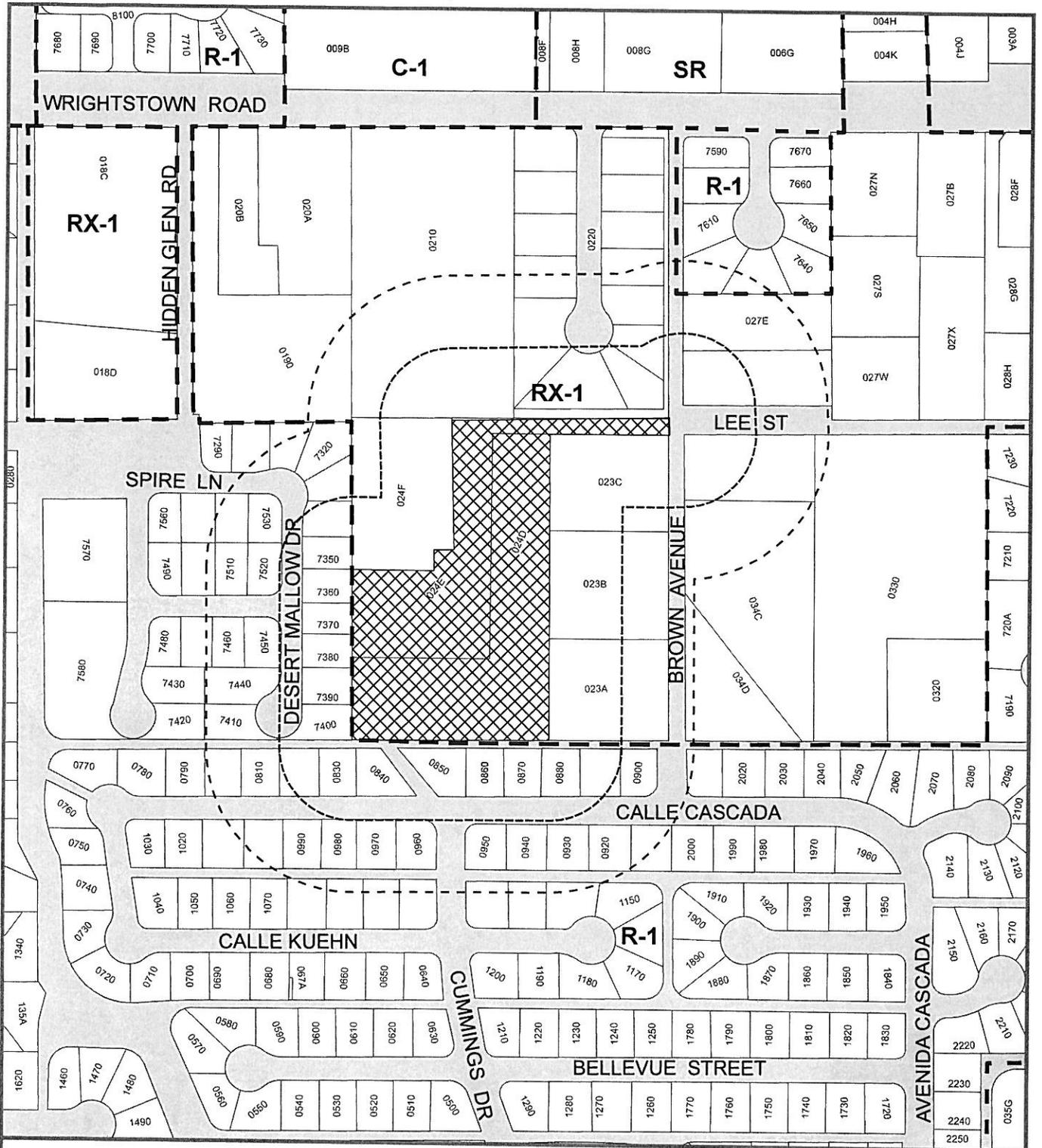
**C9-13-02 Mahalo Properties - Brown Avenue**  
2010 Aerial

0 50 100 200  
Feet  
1 inch = 200 feet



# C9-13-02 Mahalo Properties - Brown Avenue

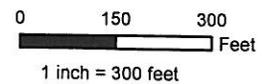
Rezoning Request: from RX-1 to R-1



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



Address: 1527 N. Brown Avenue  
 Base Maps: Sec.03 T.14 R.15  
 Ward: 2



**PUBLIC FACILITIES AND SERVICES REPORT FOR AUGUST 1, 2013**  
(as of July 12, 2013)

**C9-13-02 Mahalo Properties – Brown Avenue, RX-1 to R-1**

**CITY AGENCIES**

**Planning & Development Services – Engineering:** See comments dated May 24, 2013.  
**Planning & Development Services – Community Design:** See comments dated June 4, 2013.  
**Office of Conservation & Sustainable Development:** See comments dated May 31, 2013.  
**Transportation – Traffic Engineering:** See comments dated May 14, 2013.  
**Planning & Development Services – Sign Code:** See comment dated June 7, 2013.

**No Objections Noted**

**Tucson Fire Department**  
**Planning & Development Services – Zoning Review**  
**Tucson Water Department**  
**Transportation – Engineering**  
**Transportation – Traffic Engineering**  
**Planning & Development Services – Zoning Enforcement**  
**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Tucson Parks and Recreation**  
**Tucson Police Department**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: 130 vehicle trips per day.

**No Objections Noted**

**Tucson Unified School District**  
**Pima County Wastewater**  
**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**

Staff comments can be viewed on the internet at: <http://www.tucsonaz.gov/PRO/pro/devactionsrch.jsp> . After accessing this link, click the “Advanced Search” button and enter the “C9-13-02” case number in the activity number box. Then click the “Reviews” button and then click the “Details” button which is to the left of the “REZONING - ZE HEARING” workflow description.



## 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.

**Case: C9-13-02 Mahalo Properties - Brown Avenue , RX-1 to R-1 Ward # 2**

\_\_\_\_\_  
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 \_\_\_\_\_

Place  
Stamp  
Here

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

C9-13-02

Expose this flap - Affix stamp and return

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

C9-13-02

**IMPORTANT REZONING NOTICE ENCLOSED**

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