



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

Preliminary Report

September 26, 2013

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2200 E. River Rd. #115
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Tucson, AZ 85701

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**SUBJECT: C9-13-06 Mountain Vail Estates II – Old Vail Connection Rd.
Public Hearing: September 19, 2012**

Dear Mr. Tucker,

Pursuant to the City of Tucson Unified Development 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 C9-13-06, Mountain Vail Estates II. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council 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 to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

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

SUMMARY OF FINDINGS

This is a request by Kelly Lee of The Planning Center, on behalf of the property owner, Robert Tucker of Diamond Ventures, Inc., to rezone approximately 20.3 acres from SH to R-1, residential zoning. The rezoning site is located on the south side of the Old Vail Connection Road alignment; approximately 1,800 feet south of Mary Ann Cleveland Way and 1.4 miles east of Houghton Road. The site was approved for annexation by Mayor and Council on April 16, 2013. An Original City Zoning case, C15-13-03 Mountain Vail Annexation District, is being considered concurrently.

The development proposal for the property is to construct 73, one- and two-story single-family residences on the 20.3-acre site, with an average lot size of 5,500 square feet, for a density of 3.75 residences per acre (RAC) in a proposed subdivision called Mountain Vail Estates II. The project is the second phase of Mountain Vail Estates, a residential subdivision on property located immediately north of the rezoning site and fronting on Mary Ann Cleveland Way. The first phase of Mountain Vail Estates, consisting of 668 single-family home lots on 135 acres, was rezoned from MH-1 to R-1 with rezoning case C9-06-16 Weinberg – Mary Ann Cleveland Way.

To the northwest of the rezoning site is Mountain Vail Estates I, a platted residential subdivision zoned R-1 on 150-acres, which is being developed as a detached single-family Residential Cluster Project (RCP), with a residential density of 4.5 units per acre (RAC). Also to the north, but east of Mountain Vail Estates I, is a vacant 365-acre State Land parcel zoned MH-1, which supports single and multi-family and manufacturing housing. To the east is a vacant State Land parcel of 20-acres, zoned GR-1 and within Pima County's jurisdiction. To the south and west is a rural community with approximately one-acre parcels developed with a mix of site built homes and manufactured homes, zoned GR-1 and also within Pima County.

Vehicular access to the rezoning site is proposed from Mary Ann Cleveland Way, identified as a scenic arterial roadway with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 699 vehicle trips per day.

The site is within the boundaries of the *General Plan* and the *Esmond Station Area Plan*. The plans have policy direction to support rural density and, where appropriate, suburban density up to six units per acre based on design compatibility and an Environmental Resource Report (ERR) addressing preservation of natural desert habitat. The *General Plan* supports rural and suburban residential densities with the protection of washes, interconnection of open space, important habitat areas, and wildlife corridors through design

practices which respect the natural environment. Policy supports regional trails and connections to the Pima County Trail System, as well as rural character residential development. Parks, Recreation, Open Space, and Trails (PROST) policy promotes a balanced recreational program which offers a diversity of recreational amenities to meet the needs of the population and to benefit mentally and physically disabled people of all ages.

Mountain Vail Estates II is proposed as an expansion to Mountain Vail Estates I and will be subject to compatible site design, residential architectural elements, open space, pedestrian connectivity, protection of natural wash areas, and establishment of recreational amenities in compliance with the American Disability Act (ADA). Site design shall comply with *General Plan* policies, which require sensitive design and mitigation techniques that respond to site features and to the character of the surrounding neighborhood. Open space design can link floodplains, washes, pocket park and trail areas, and assist in buffering adjacent lower density residential development, when considering a Flexible Lot Development (FLD) proposal. Mountain Vail Estates I rezoning conditions were based in part on the *Houghton Area Master Plan (HAMP)* policy direction. Although not within the *HAMP*, Mountain Vail Estates II will be reviewed for consistency and continuity of the Mountain Vail Estates I approved plat as it relates to access, residential density, housing architectural designs, preservation of open space and community recreational amenities.

The *Design Guidelines Manual* recommends that all building façades be designed with attention to architectural character and detail, particularly if rear and/or side façades are visible from streets or adjacent properties. Design considerations for this project will include the size, scale, and orientation of all structures on the site. A variety of Sonoran Desert earth tone colors and building façades will be used along all street frontages, with no two homes of the same style or color placed next to one another. Single-story height limitations will be applied when new structures are located adjacent to existing single-story residences. Single-story restrictions are currently specified on proposed lots 1, 6, 12, 26, 27, 28, 29, 53, and 64.

The *General Plan* recommends a transportation and circulation system that offers alternatives for mobility, giving high priority to pedestrian, bicycle, and public transit modes. There are no major streets proposed for the overall subdivision. Primary access will be provided from Mary Ann Cleveland Way, designed with two-travel lanes and bike lanes. The owner/developer will be required to dedicate, acquire or verify the existence of appropriate right-of-way covering the roadway linkage(s) between the development site and Mary Ann Cleveland Way, including 30-foot radius spandrels at the intersections.

General Plan policy supports a site design that will allow a future option to integrate vehicular and pedestrian connections with future adjacent residential

developments either to the east or north. Adjacent residential homes should have units which face each other using common streets, sidewalks, paths, and trails that allow people to move within the community without having to exit onto arterial or spine roads. Sidewalks will be provided on both sides of the internal streets.

The owner/developer will be responsible for the design and construction of full roadway improvements on the roadways connecting the developing site to Mary Ann Cleveland Way. These improvements will include appropriate pavement and pavement widths, curb, sidewalks and 100-year storm capacity reinforced concrete box culverts or pre-cast reinforced concrete pipe culverts. TDOT Traffic Engineering staff recommends that, in order to evaluate access issues and requirements, a Category II Traffic Impact analysis, or an acceptable addendum to the traffic study for phase I of Mountain Vail Estates, be submitted.

Fire staff review comments state that a second access point is required per the 2012 International Fire Code, Appendix Section D107. Single access to the site may be approved if all structures are protected with approved automatic fire sprinkler systems, or an acceptable alternative is provided.

General Plan policy recommends an open space system that preserves washes and environmentally sensitive areas as open space amenities that provide trails and parks. The PDP identifies two pocket parks, one of which is the Esmond Station railroad alignment area, also identified as a common area trail easement, running northwest to southeast in the southwest corner of the rezoning site. A proposed trail follows the abandoned railroad tracks of the Esmond Station rail line. Staff recommends that this 1-acre park be used as a recreational area with community amenities, including exercise stations, playground equipment, landscaping, ramadas, picnic areas, and an ADA accessible pedestrian path/trail. The Esmond Station railroad should stand as a historic landmark and be identified with markers to allow the community to learn of its history. Amenities such as tot lots, play areas, ramadas and picnic tables are recommended. Detention/retention basins should also be used as multi-use facilities, providing additional passive and/or active recreation opportunities for the residents.

The Atterbury Wash is located just east of the annexation district and an unnamed tributary of the Atterbury Wash traverses the center of site from south to north. The Atterbury Wash, a WASH Ordinance wash, affects a small portion of the northeast corner of the site. Development will be subject to City floodplain regulations. The tributary wash and the small portion in the northeast corner of the site along the Atterbury Wash are identified on Tucson Department of Transportation (TDOT) maps as containing xeroriparian habitat. Other than encroachment at the proposed vehicular and pedestrian crossing over the unnamed Atterbury Wash tributary, environmentally sensitive areas such as floodplains, washes and riparian habitat will remain undisturbed and be an open space amenity for the subdivision.

CONCLUSION

The applicant's request is in substantial compliance with the policies of the *General Plan* and the *Esmond Station Area Plan*. Approval of the requested R-1 zoning is appropriate, subject to compliance with staff conditions.

RECOMMENDATION

The Zoning Examiner recommends approval of R-1 zoning.

Sincerely,



Linus Kafka
Zoning Examiner

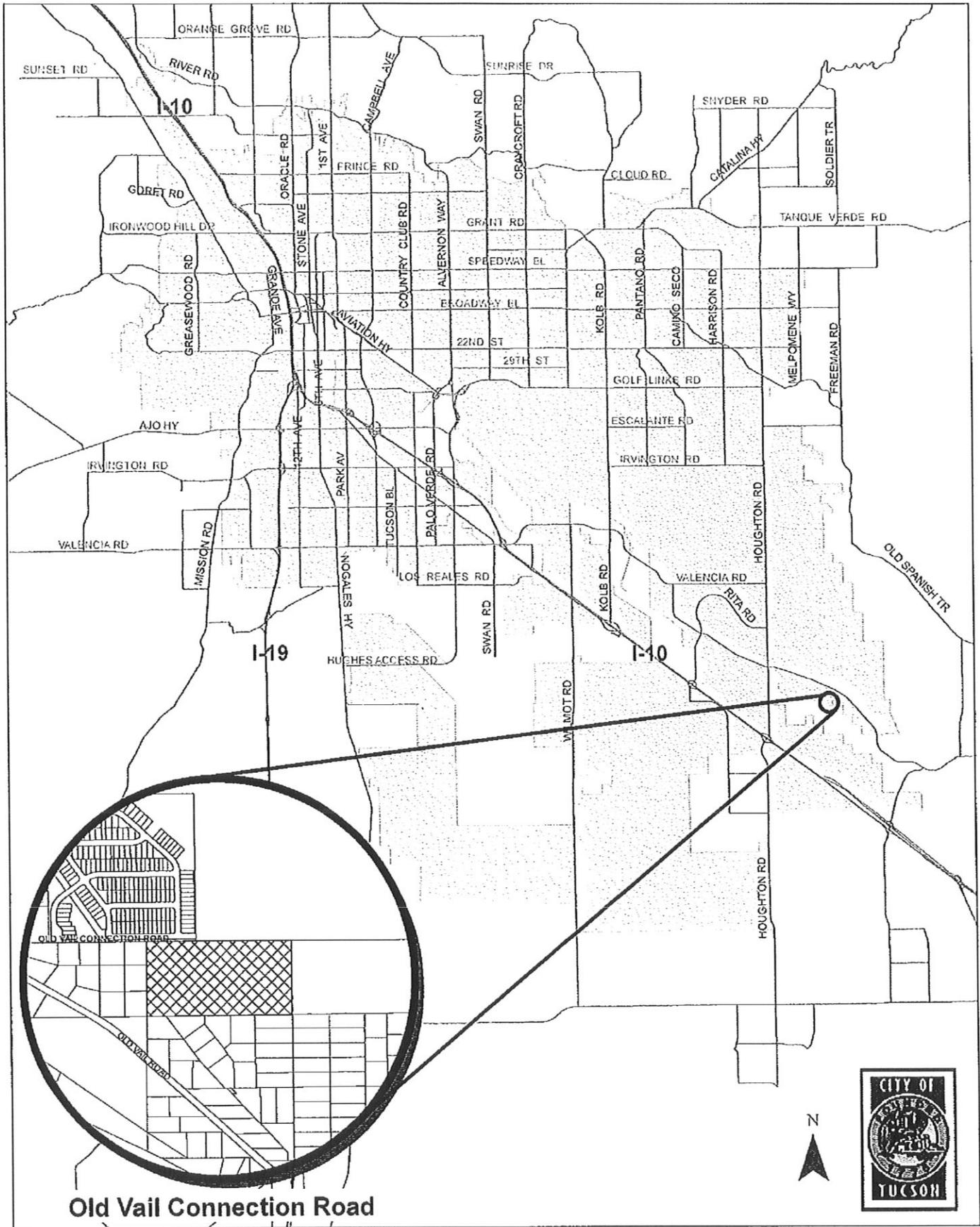
ATTACHMENTS:

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

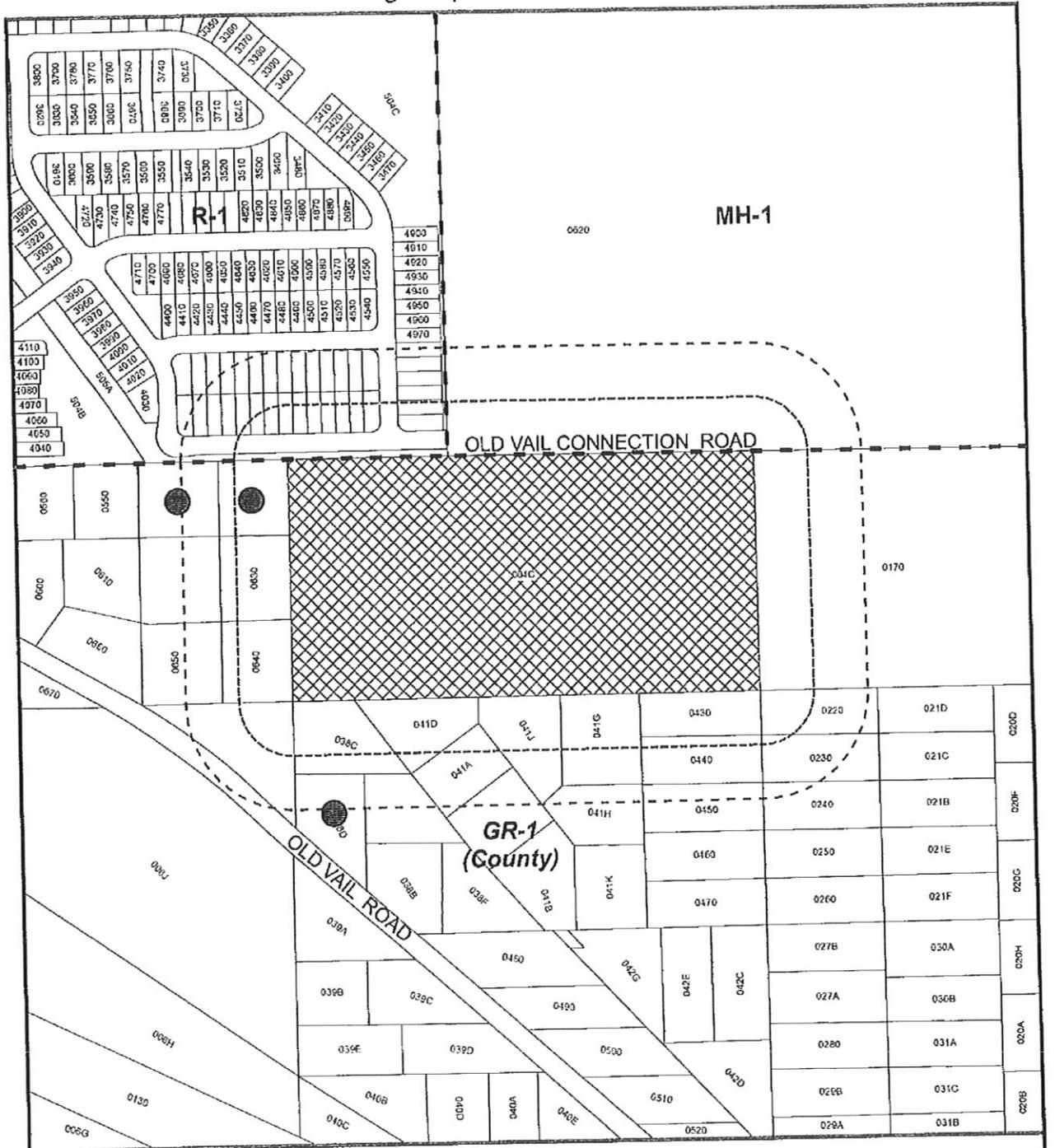
C9-13-06 Mountain Vail Estates 2 - Old Vail Connection Road



Old Vail Connection Road

C9-13-06 Mountain Vail Estates 2 - Old Vail Connection Road

Rezoning Request: from SH to R-1

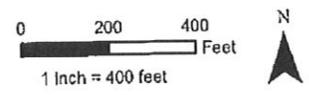


-  Area of Rezoning Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries



○ Owner approvals: 0
 ● Owner protests: 3

Calculation Date: 9/19/2013



created by: JR, 9/19/2013