



MEMORANDUM

DATE: March 23, 2016
For April 7, 2016 Hearing

TO: Jim Mazzocco
Zoning Examiner

FROM: Nicole Ewing Gavin, Director
Planning & Development Services

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT
C9-16-03 Pepper Viner – Pima Street, SR to R-1 (Ward 2)

Issue – This is a request by William Viner of the Pepper Viner at Van Horne LLC, on behalf of the property owner, Tucson Unified School District #1, to rezone approximately 8.99 acres from SR to R-1 zoning. The rezoning site is located on the southwest corner of Pima Street and Fremming Avenue (see Case Location Map). The preliminary development plan (PDP) is for a single-family residential subdivision with 54 one-story and two-story homes at a density of 6 units per acre.

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: Vacant former elementary school

Zoning Descriptions

SR: This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

R-1: This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-1 & SR; Single-family residential, religious, & recreation
South: Zoned R-1; Single-family residential
East: Zoned R-1; Single-family residential
West: Zoned PAD-23; Waste management

Previous Cases on the Property: none

Related Cases:

C9-14-09 School Yard – Wrightstown Road, RX-1 to R-1 This was a rezoning request for approximately 9.25 acres located on the southwest corner of Wrightstown Road and Avenida Ricardo Small, to allow the development of 56 one-story and two-story single-family residential units, for a density of 6.05 units per acre. On July 7, 2015, Mayor and Council adopted Ordinance No. 11290. On September 16, 2015, a subdivision plat was recorded effectuating the R-1 zoning.

C9-12-11 Mahalo Properties – Wrightstown Road, RX-1 to R-1 This was a rezoning request for approximately 4.56 acres located on the south side of Wrightstown Road, approximately 1,700 feet east of the subject rezoning site, to allow the development of 12 lots one-story single-family residential units, for a density of 2.63 units per acre. On November 6, 2013, Mayor and Council adopted Ordinance No. 11124. On May 23, 2013, a subdivision plat was recorded effectuating the R-1 zoning.

C9-01-25 Kemmerly Company – Camino Seco RX-1 to R-1 This was a rezoning request for approximately 10.35 acres located on the southeast corner of Wrightstown Road and Camino Seco, approximately 700 feet west of the subject rezoning site, rezoned to allow the development of 42 lots with a mix of one-story and two-story residential units, for a density of 4.05 units per acre. On June 3, 2002, Mayor and Council adopted Ordinance No. 9711. On January 9, 2003, a subdivision plat was recorded effectuating the R-1 zoning.

Applicant’s Request – The applicant proposes to rezone 8.99 acres to R-1 to allow a single-family residential subdivision with 54 one-story and two-story homes at a density of 6 units per acre. All homes located along the southern border will be one-story and the remaining homes to be a mix of one and two-stories.

Planning Considerations – Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. The rezoning site is located within an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *Plan Tucson*. “Existing Neighborhoods” are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while

accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. Within “Existing Neighborhoods”, *Plan Tucson* supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. 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 environmentally sensitive habitat.

The goal of the *Pantano East Area Plan* is to preserve the integrity of established neighborhoods and promote residential infill of vacant land where adequate provisions of streets and utilities are available, and to promote low-density residential developments within the interior of established low-density neighborhoods. In addition, the *Plan* supports residential clustering and design flexibility that includes defensible space concepts. *PEAP* defines low-density residential as up to six units per acres. At 6 units per acre, the proposed density is supported by the *PEAP* if designed to be compatible with the adjacent development.

The rezoning site is surrounded on two sides by streets, Pima Street to the north and Fremming Avenue to the east. Pima Street and Fremming Avenue are identified as local streets on the *Major Streets and Routes Plan* map. Vehicular access will be from Fremming Avenue and Pima Street. Access to Fremming Avenue will be via two new public streets serving the 43 interior lots. Eleven lots will have direct access to Pima Street.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 517 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning site is a simple square shaped parcel and as noted above is bounded by public streets on two sides. Previously developed as an elementary school, the property gently slopes from southwest to northeast. The area surrounding the rezoning site to the east, south, and north is low-density, detached single-story single-family residential development zoned R-1 at a density of approximately 2.5 to 3 units per acre. To the west of the subject rezoning site, is a private waste management recycling facility in the PAD-23 zone.

The Design Compatibility Report (DCR) proposes 54 lots, with detached one-story and two-story homes. The DCR limits lots 43 through 54 along the south edge of the development to single-story. Two-story homes will be a maximum of 25 feet tall. Staff recommends a six (6) foot wide ADA accessible sidewalk along Fremming Avenue and Pima Street to replace the existing 7½ foot wide sidewalk. This will help to maintain existing level of service to the surrounding neighborhood and provide a safe walkway to and from Udall Park. To create a cohesive

streetscape with the adjacent residential neighborhood to the south, the proposed homes along Pima Street should face the street with no two adjacent lots developed with the same model facade. Additionally, staff recommends a one foot no access easement along the southern property line.

Adjacent to the rezoning site, along the west perimeter is the Speedway Recycling Facility, which operates a landfill for solid waste disposal and recycling of green material. The facility has five gas monitoring probes adjacent to the proposed rezoning site. Additional gas monitoring probes will be installed within the rezoning site along the western landscape buffer. The Speedway Recycling Facility was previously a municipal sanitary landfill. Years of excavation and earth removal has created a current grade difference between the rezoning site and the landfill of approximately one hundred and thirty (130) feet. Buffering and screening will be critical to minimize open pit view sheds, potential odors, noise, dust, and floating light weight debris that can potentially blow out of the landfill recycling facility. Applicant shall demonstrate how the site design will minimize potential impacts from the adjacent landfill located to the west.

The applicant has had numerous conversations with both City of Tucson – Environmental Services Department and the owner of the neighboring recycling facility. From those conversations, the applicant has agreed to several conditions regarding the mitigation of the existing recycling facility immediately to the west of the proposed development site. These include approval by City of Tucson – Environmental Services Department of a Landfill Methane Development plan for all development within 100 feet of the landfill, and a self-certification statement for all proposed development between 100 feet and 500 feet of the landfill. Additionally, the developer shall execute a 40 foot wide access easement (east-west dimension) along the west property line to the City of Tucson – Environmental Services Department for the monitoring of the landfill gas collection and control system.

Drainage/Grading/Vegetation/Screening – A 10-foot street landscape border and detention basin is proposed along the Fremming Avenue frontage. Staff recommends existing vegetation, including mature canopy trees and plants be preserved in place to the extent possible. A drainage report addressing onsite and offsite drainage and the provision of the required 5-year threshold runoff retention will be required. Open space will be provided along Fremming Avenue and along the western edge of the site. Due to the site's proximity to the neighboring waste management site, the applicant has developed a plan to map post development water discharge on- and off-site within one-fourth (1/4) of a mile.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located on the south side of Pima Street and west of Fremming Avenue. Vehicle access is proposed by way of two new 51-foot wide public cul-de-sacs with access points onto Fremming Avenue, a local street. The DCR indicates on-site rear lot lines will abut the alley way located to the south. A one-foot no access easement should be provided along the south perimeter to prohibit rear lot access onto the alley between the rezoning site and the subdivision to the south.

Historic Evaluation – Demolition permits can only be issued in compliance with applicable Historic Preservation requirements. The applicant is advised to contact the City of Tucson Historic Preservation Office (located in Planning and Development Services) to determine the requirements for demolition of the existing school facilities.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *Pantano East Area Plan* and *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested R-1 zoning is appropriate.

s:/rezoning/2016/c9-16-03 sr.doc

PROCEDURAL

1. A development package in general compliance with the preliminary development package dated 1/25/16 and required reports, covering the rezoning site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. 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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

7. Building façades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, non-glare roof material/lines, and exterior materials. A color palette and dimensioned elevation drawings shall be submitted as part of the development package submittal to demonstrate compliance with this condition.
8. Prior to Van Horne Elementary School building(s) demolition, approval is required from City of Tucson Historic Preservation Staff, who are located at Planning and Development Services.
9. All residential units located along the south perimeter shall be one-story and are not to exceed sixteen (16) feet in height.
10. Lots adjacent to Pima Street (northern perimeter) shall have front building façade and garage entrance facing Pima Street. No two adjoining lots within the subdivision shall be developed with the same model façade.

11. All development on or within 100 feet of the landfill shall receive approval by City of Tucson – Environmental Services of a Landfill Methane Development Plan prior to being issued necessary building permits.
12. All development between 100 feet and 500 feet from the landfill shall receive approval by City of Tucson – Environmental Services of a self-certification statement prior to being issued any necessary building permits.
13. The applicant shall provide a 40 foot wide access easement (east-west dimension) along the west property line to the City of Tucson – Environmental Services Department for the monitoring of the landfill gas collection and control system.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

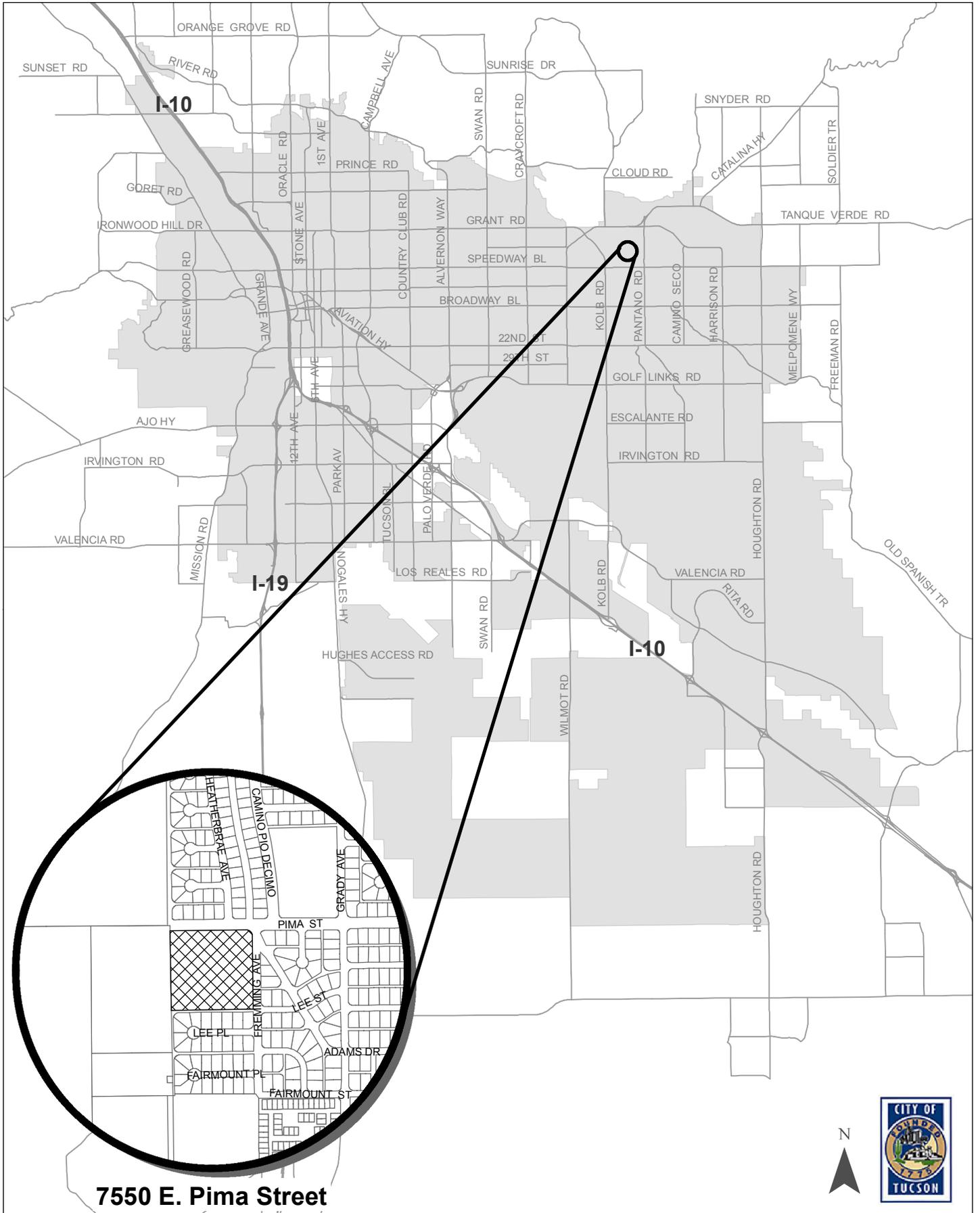
14. A Drainage Statement shall be submitted, including details of onsite and offsite drainage, flow stability, and the provision of water harvesting and/or runoff retention.
15. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition: Provide materials with building permit application and reference rezoning case number C9-16-03.
16. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide materials with building permit application and reference rezoning case number C9-16-03. New or replacement roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

17. All offsite improvements required with this development such as the driveway, alley improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation to establish proper location(s) of the offsite improvements.
18. A new six (6) foot wide ADA accessible sidewalk shall be constructed where necessary along Pima Street and Fremming Avenue street frontages. Standard width transition, wheelchair access ramps and site access points shall be provided when connecting to existing sidewalks.

19. A one (1) foot no access easement shall be provided along the south perimeter to prohibit rear lot access onto the alley between the rezoning site and the subdivision to the south.

C9-16-03 Pepper Viner - Pima Street



7550 E. Pima Street





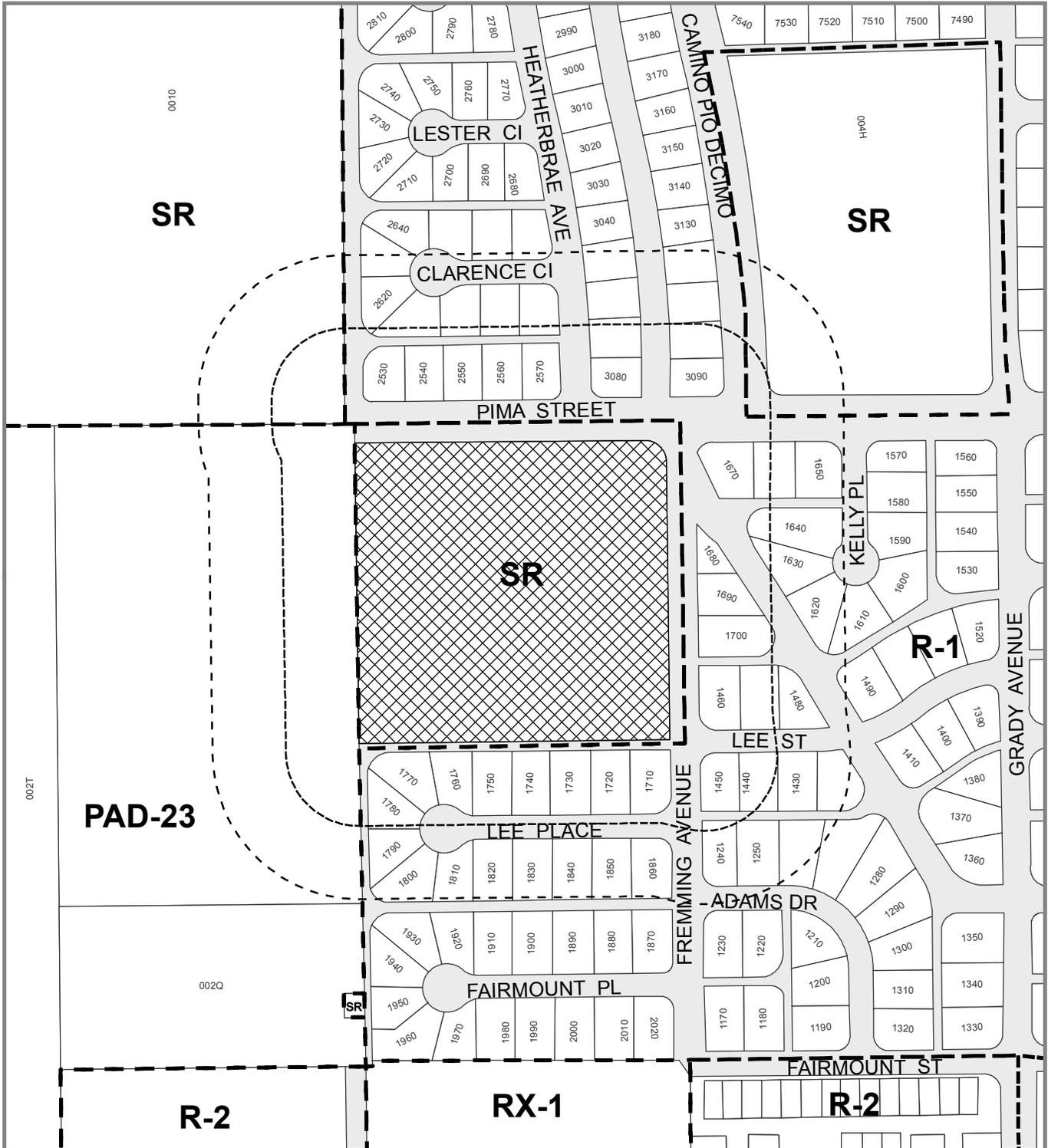
C9-16-03 Pepper Viner - Pima Street
2014 Aerial

0 150 300
Feet
1 inch = 300 feet



C9-16-03 Pepper Viner - Pima street

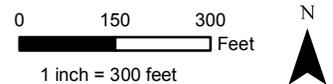
Rezoning Request: from SR to R-1



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



Address: 7550 E. Pima Street
 Base Maps: Sec.5 T.14 R.15
 Ward: 2



PUBLIC FACILITIES AND SERVICES REPORT FOR April 7, 2016
(as of March 15, 2016)

C9-16-03 Pepper Viner – Pima Street, SR to R-1 Zone

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 2/18/16.
Planning & Development Services – Engineering: See attached comments dated 2/10/16.
Planning & Development Services – Zoning Review: See attached comments dated 2/10/16.
Planning & Development Services – Sign Code: See attached comments dated 2/11/16.
Tucson Water New Area Development: See attached comments dated 2/17/16.
Tucson Parks and Recreation: See attached comments dated 2/10/16.
Environmental Services See attached comments dated 2/19/16.

No Objections Noted

City of Tucson, Real Estate Program
Planning & Development Services – Landscape
Transportation – Traffic Engineering
Transportation – Engineering
Tucson Fire Department
Community Services – Historic Preservation Officer
Tucson Parks and Recreation
Tucson Police Department

NON-CITY AGENCIES

PAG-TPD: See attached comments dated 2/11/16
Pima County Planning and Development Services: See attached comments dated 2/18/2016

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

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, March 23, 2016 at <https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



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: C9-16-03 Pepper Viner – Pima Street, SR to R-1 Zoning Ward 2

I/We the undersigned property owners, wish to

- APPROVE the proposed rezoning.
- PROTEST the proposed rezoning.

Reason:

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

C9-16-03

Expose this flap - Affix stamp and return



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

C9-16-03

IMPORTANT REZONING NOTICE ENCLOSED

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