



CITY OF
TUCSON

ZONING
EXAMINER'S
OFFICE

PRELIMINARY REPORT

June 23, 2016

Patrick and Cynthia Yerger
902 E. 39th Street
Tucson, AZ 85730

Frank Rendon
3D Architectural Designs
7660 E. Lakeside Drive
Tucson AZ 85730

**SUBJECT: C9-16-01 Yerger -39th Street
I-1 to O-3
Public Hearing: June 15, 2016**

Dear Mr. and Mrs. Yerger,

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter is the Zoning Examiner's written notification of the summary of rezoning findings for rezoning case **C9-16-01 Yerger -39th Street**.

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 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 Frank Rendon, on behalf of the property owners, Patrick and Cynthia Yerger, to rezone approximately 0.37 of an acre from I-1 to O-3 zoning to accommodate the development of a residential garage on the southern half of the property, which is currently comprised of two parcels with split zoning.

The north half of the property is zoned O-3 and the applicant is requesting O-3 zoning for the southern half of the property.

The rezoning site is located approximately 100 feet south of 39th Street and approximately 155 feet west of Park Avenue. The preliminary development plan indicates a lot combination and reconfiguration to create two parcels from the three existing parcels. The existing single-family home and garage are to remain in place on the larger westernmost L-shaped parcel of approximately 24,000 square feet, and a new single-family home and garage to be constructed on the smaller 8,000 square foot lot located in the northeast corner of the property, which is currently zoned O-3.

A new garage to serve the existing home on the larger L-shaped parcel, is also proposed in the southeastern portion of the rezoning site, and will be used for motor home parking.

At the June 16, 2016 Zoning Examiner's Public Hearing staff reported one protest letter. The applicant's representative spoke in support of the rezoning and agreed to the Planning and Development Service's rezoning conditions.

General Location -The property has to its north single family residences zoned O-3 and R-2, to the south vacant land zoned Plan Area Development (PAD-15) and further east across Park Avenue is the Bridges, a mixed use center with commercial and residential development zoned PAD-15, to the east six vacant lots zoned I-1 and to the west single family residence zoned O-3.

Also it should be noted to the south abutting the rezoning site is an approved fifty-foot wide public trail right-of-way dedicated to Pima County to accommodate a future El Paso and Southwestern Greenway regional trail.

Land Use Plans – Land use policy direction for this area is provided by the *Greater South Park Area Plan (GSPAP)*, the *Kino Area Plan* and *Plan Tucson*. Both plans support new residential development that is compatible with surrounding land uses.

The *GSPAP* provides more specific residential policy direction. The *GSPAP* supports and promotes residential uses in this subarea. The residential policy supports preserving established neighborhoods by requiring proposed changes and/or rezoning to be compatible. Additionally, the *GSPAP* encourages the location of residential development of similar densities in the interior of established neighborhoods.

The proposed rezoning site is within one of the Existing Neighborhoods Building Block of *Plan Tucson*. This category addresses 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 encourage reinvestment and new services and amenities that contribute further to neighborhood stability.

The Pima Association of Governments - Transportation Planning Division commented that ten additional vehicle trips will be generated at this time as typical trip generation for a single family residence is approximately 10 vehicle trips per day.

Site Plan Consideration – There are no significant grading, vegetation, or transportation issues related to the proposed rezoning. A proposed garage is located in the southeast corner of the rezoning site. This rezoning mainly corrects lot line and zoning issues that prevent otherwise typical residential single lot development

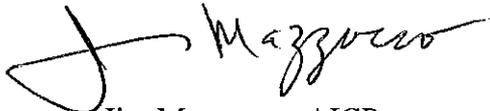
CONCLUSION

The rezoning to allow a proposed accessory garage within an O-3 zone on a current residential lot with incompatible multiple zones is consistent with the local land use plans, *Plan Tucson* and the surrounding land uses.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning to O-3 subject to the Planning and Development Services Department's special conditions as being consistent with applicable land use plans and surrounding land uses.

Sincerely,



Jim Mazzocco, AICP
Zoning Examiner

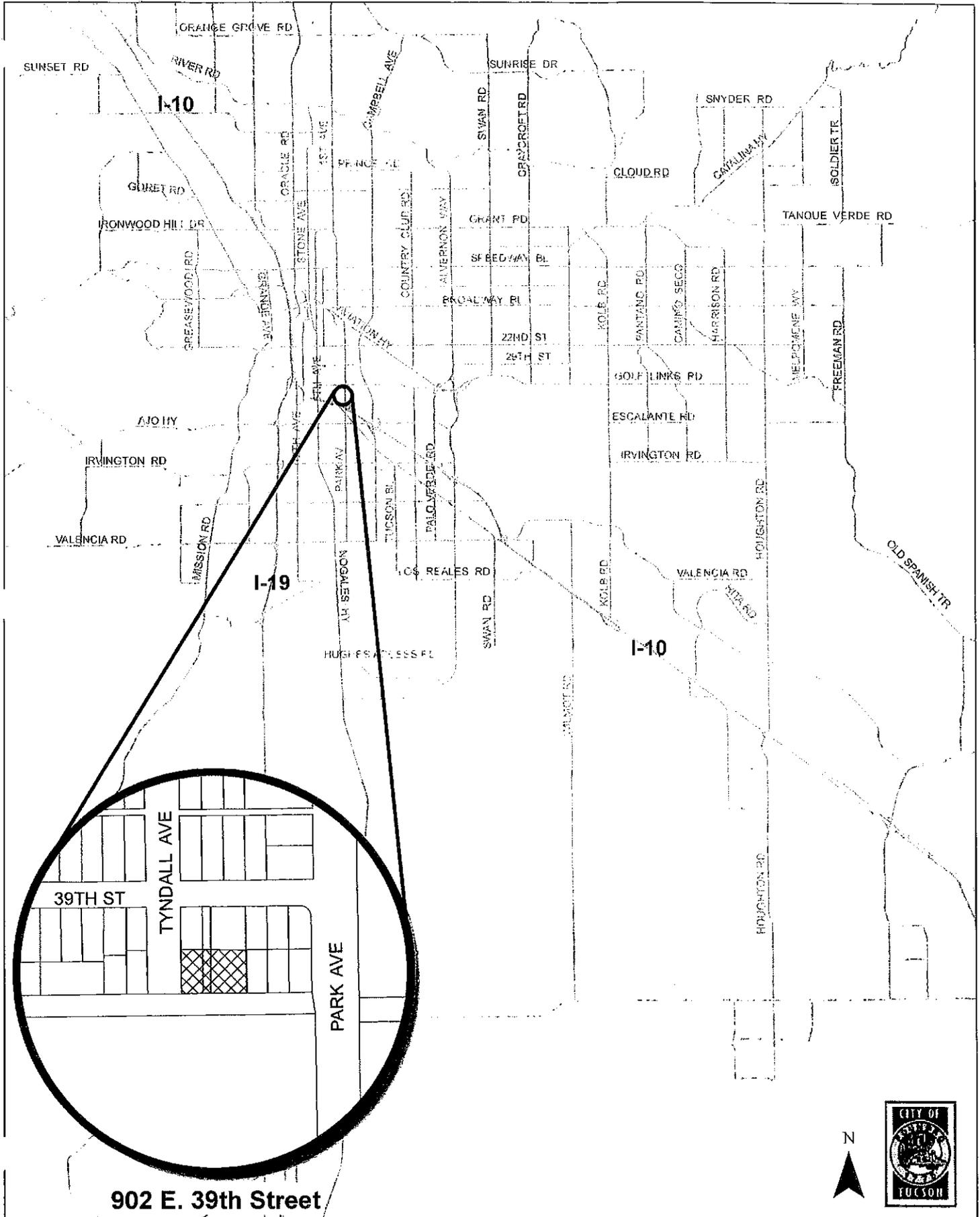
ATTACHMENTS:

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

C9-16-01 Yerger - 39th Street

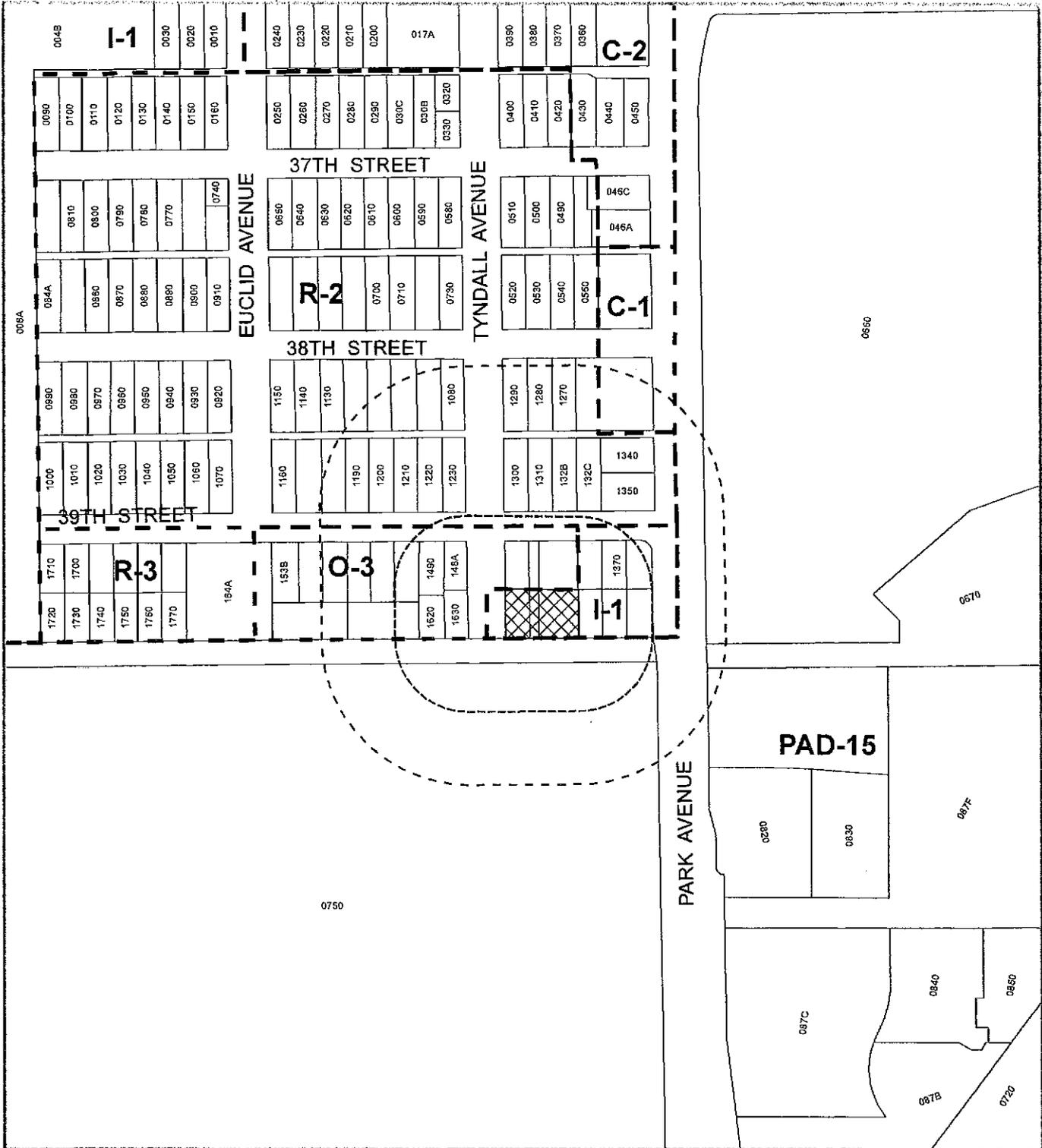


902 E. 39th Street



C9-16-01 Yerger - 39th Street

Rezoning Request: from I-1 to O-3



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



Address: 902 E. 39th Street
 Base Maps: Sec.30 T.14 R.14
 Ward: 5

