



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

Preliminary Report
April 15, 2016

Tucson Unified School District 1
606 S. Plumer Ave.
Tucson, AZ 85719

William Viner
Pepper Viner at Van Horne LLC
5633 E. Grant Road
Tucson, AZ 85715

Robert Longaker
The WLB Group Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711

**SUBJECT: C9-16-03 Pepper Viner – Pima Street
SR – R-1
Public Hearing: April 7, 2016**

Dear Mr. Viner,

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 **C9-16-03 Pepper Viner – Pima 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 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 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 was previously developed as the Van Horne Elementary School but is now vacant. The preliminary development plan proposes a single-family residential subdivision with 54 one-story and two-story homes at a density of 6.25 units per acre. The subdivision would be developed using the optional Flexible Lot Development (FLD) within Article 8 of the Unified Development Code.

As of April 8, 2016, there are two written approvals and thirteen written protests. The protests on this rezoning case will require a supermajority vote of the Mayor and Council for approval with the bulk of the protest coming from the properties on the south perimeter of the rezoning proposal. At the April 7 public hearing, issues related to increased traffic, concern about the 16-foot building height of single story units along the southern boundary of the site, and incompatibility of the lot sizes (using the FLD) with existing R-1 lot sizes in the neighborhood were expressed. Upon asking the applicant and attending protesting neighbors about the value of having an additional meeting to discuss a potential consensus position, both sides declined.

Surrounding Land Uses –

The subject property is adjacent to Pima Street on the north, existing R-1 subdivisions to the east and west and to the Speedway recycling/landfill facility to the west.

Land Use Plans -

Land use policy direction for this area is provided by the *Plan Tucson* and the *Pantano East Area Plan (PEAP)*. 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 neighborhood. In addition, the *Area Plan* supports residential clustering and design flexibility that includes defensible space concepts. The *PEAP* defines low-density residential as up to six units per acre. The density of the proposed development, as currently configured, is 6.25 units per acre.

Transportation –

Access to the site is provided on two sides by Pima Street to the north and Fremming Avenue to the east. Both are identified as local streets on the *Major Streets and Routes Plan* map. Access to the 43 interior lots will be provided by two new public streets. 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. The applicant's traffic analysis states that the proposed subdivision will generate about 359 more daily trips than the elementary school. The difference of daily trips between the proposed and former uses is not a significant amount.

Design –

The Design Compatibility Report proposes a 54-lot subdivision designed and developed under the FLD option. The lots along the south and east property line are limited to one-story units. The remaining subdivision will contain a mixture of one and two-story units. A two-story unit may be up to 25 feet in height per the R-1 zone's dimensional standards. To reduce architectural monotony, the lots within the interior and along Pima Street will be designed so that no two adjoining lots have two story units. Under the FLD option the lots can be smaller than the typical R-1 zoned lot which is 7,000 square feet. The proposal will have about 5,000 square foot lots that will be enhanced with eastern and western landscaped common areas.

An accessible six-foot sidewalk is required along Fremming Avenue and Pima Street. The sidewalks will be connected to an access point to Udall Park to the northwest of the proposed development. The applicant also agreed to an eastern landscaping bufferyard along Fremming Avenue with a sidewalk. The western landscaping bufferyard also contains a path to Udall Park along with benches for pedestrians.

The western perimeter of the proposal adjoins the Speedway Recycling Facility. The facility has five gas monitoring probes adjacent to the rezoning site. Additional probes will be installed within the rezoning site's western landscaping

bufferyard. It is important that the potential nuisance impacts of the facility are drastically minimized as part of the proposed subdivision and landscaping design. The applicant also will design an access easement along the west property line to allow the City's Environmental Services Department to monitor landfill gas collection and control systems.

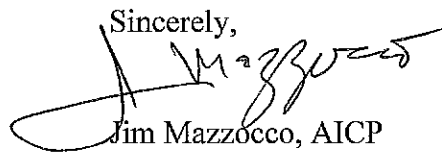
CONCLUSION

The proposed development is consistent with and supported by the policy direction provided in *Plan Tucson* and the *Pantano East Area Plan*. There was a concern about the 16-foot single story units obstructing mountain views of the property owners along the southern perimeter. Balloons were used to see where the top of the proposed units would be and a picture showing the amount of obstruction was prepared for the property owners. Part of the discussion noted that the existing units built in the mid-seventies have eight-foot ceilings whereas current single story units predominantly have ten-foot ceilings. When asked about the ceiling height the applicant noted that ten-foot ceilings are a very common feature of today's single-story residences. While this issue remains a concern, the proposal will replace a problematic vacant building and lot that have been attracting nuisance criminal behavior to the area.

Understanding there will be a juxtaposition of residential development from two different time periods, the scale, density, and character of the rezoning proposal is largely consistent with surrounding R-1 development and the related land use plans. Subject to compliance with the attached conditions, approval of the requested R-1 zoning proposal is appropriate.

RECOMMENDATION

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

Sincerely,

Jim Mazzocco, AICP
Zoning Examiner

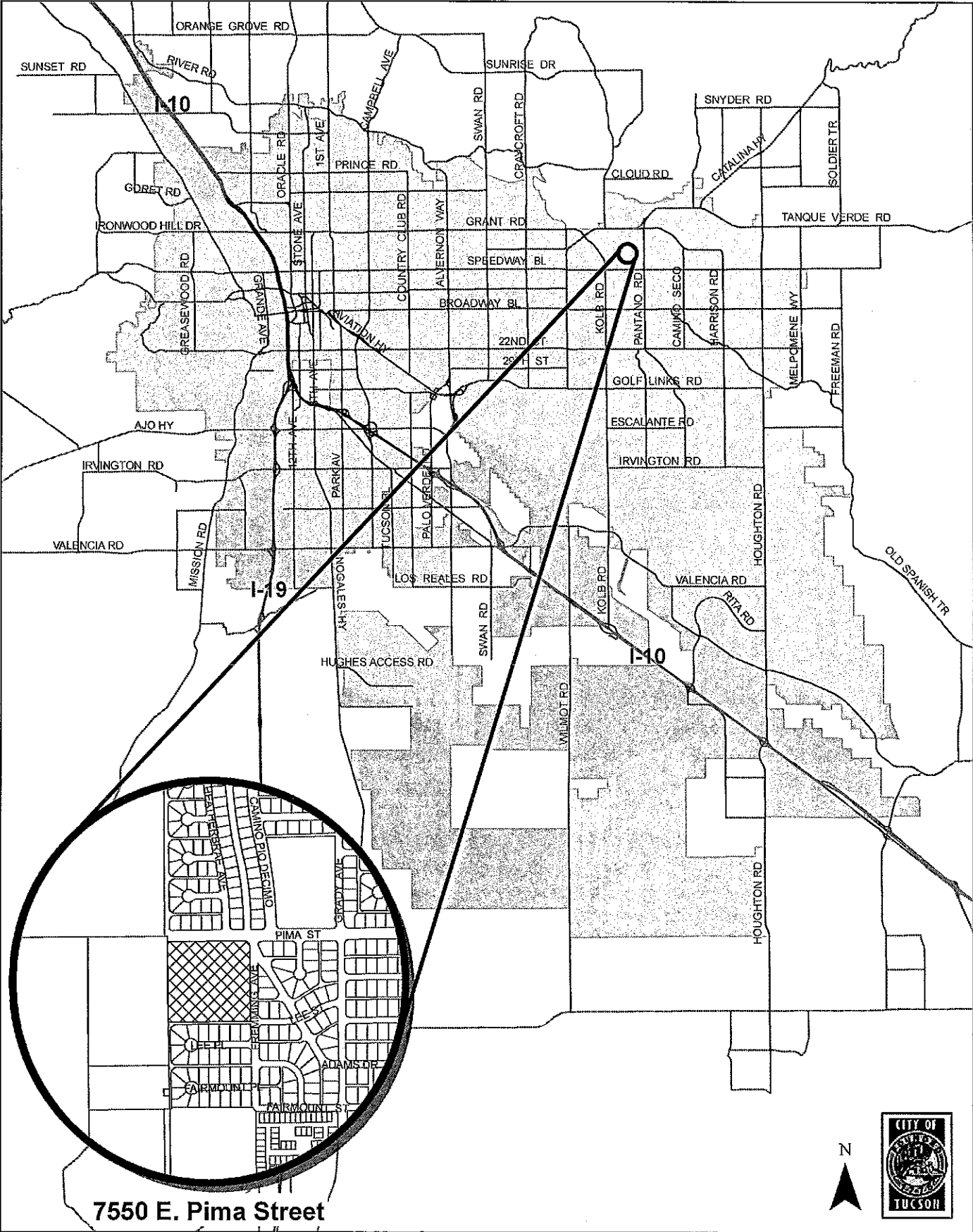
ATTACHMENTS:

Case Location Map

Rezoning Case Map

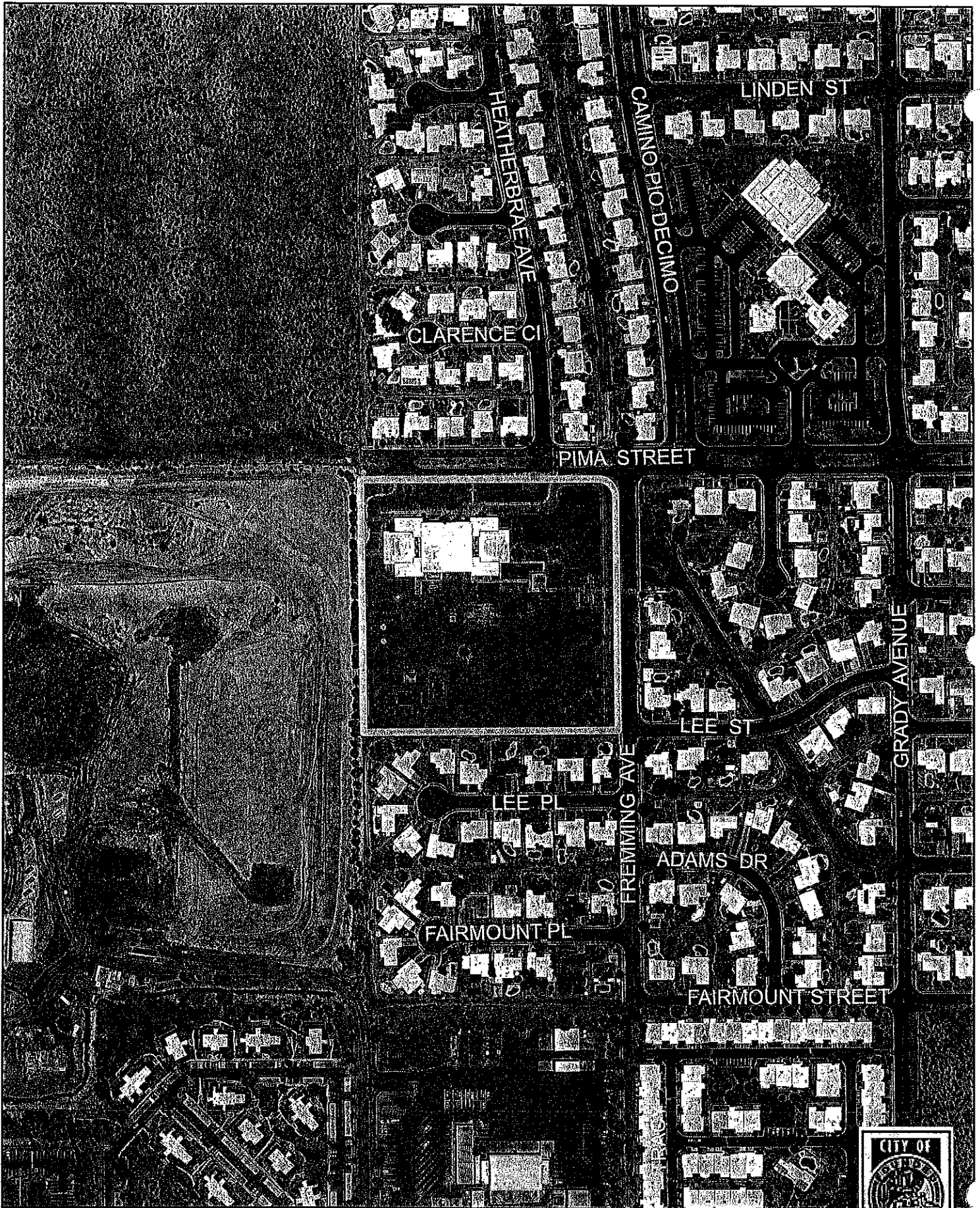
cc: City of Tucson Mayor and Council

C9-16-03 Pepper Viner - Pima Street



750 E. Pima Street



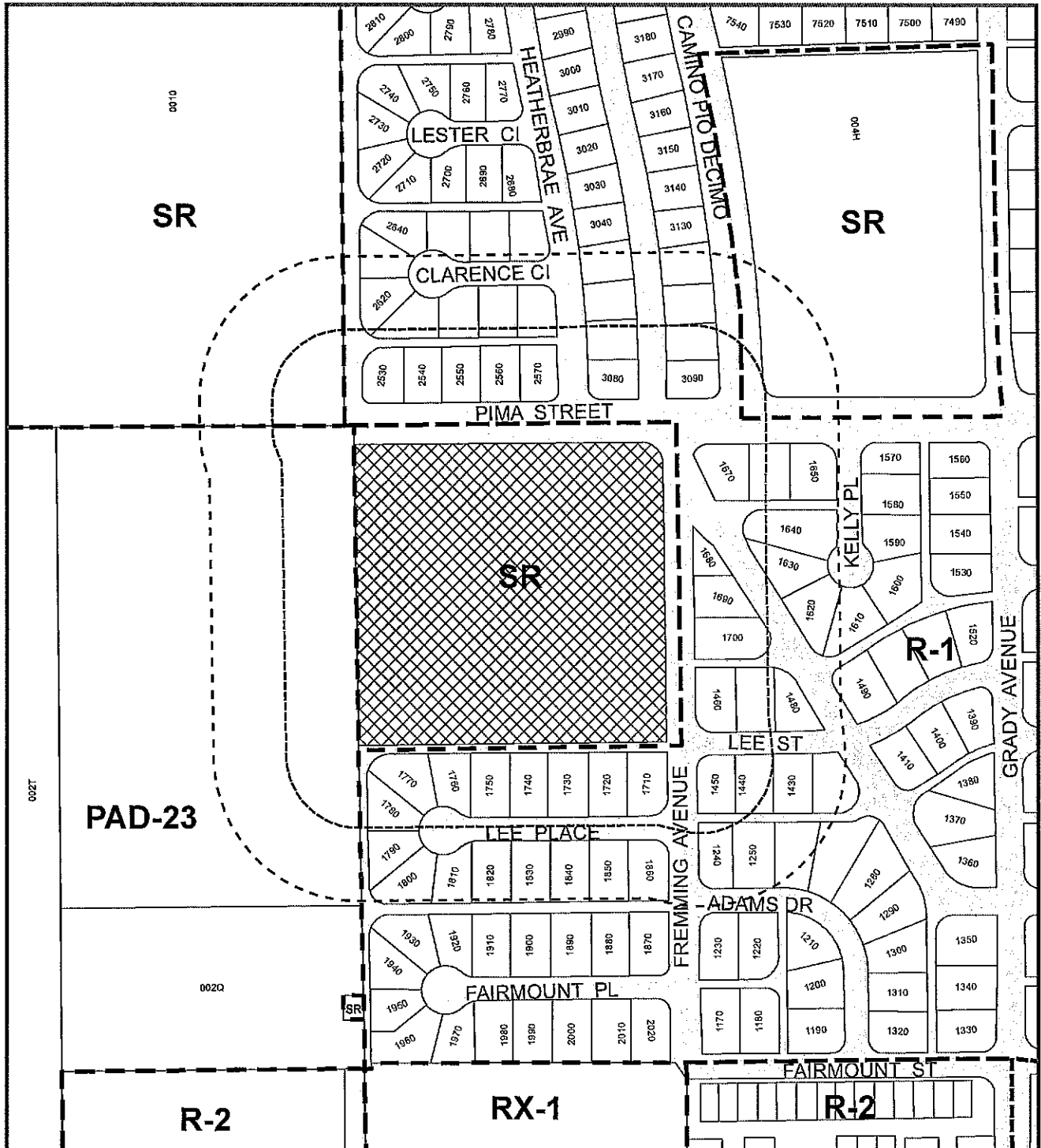






C9-16-03 Pepper Viner - Pima Street
2014 Aerial

0 150 300
Feet
1 inch = 300 feet



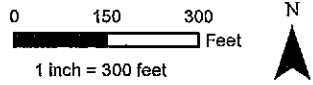
C9-16-03 Pepper Viner - Pima street
Rezoning Request: from SR to R-1



-  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>