



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

April 21, 2016

**C9-16-03 Pepper Viner- Pima Street
SR to R-1**

BACKGROUND

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.

Land use policy direction for this area is provided by the *Plan Tucson* and the *Pantano East Area Plan (PEAP)*.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the April 7, 2016 public hearing, Planning and Development Services Department (PDSD) staff, presented the staff report with a recommendation for approval with conditions. Staff also commented that as of April 7, 2016, there were two written approvals and thirteen written protests. 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. 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 hearing, the Zoning Examiner asked the applicant and the protesting neighbors about the value of having an additional meeting to discuss a potential consensus position, both sides declined.

FINDINGS OF FACT

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 for a 54 unit residential subdivision.

Site Description - The 8.99-acre 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.

Land Use Policy - 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

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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. Along the eastern and southern boundary, the units will be one-story and sixteen feet in height. This height along the southern boundary reduces the northern view of the Catalina Mountains for the existing residents. The majority of the protest on this rezoning is coming from its southern perimeter. 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.

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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

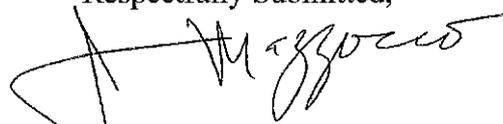
The proposed development is consistent with and supported by the policy direction provided in *Plan Tucson* and the *Pantano East Area Plan*. However, at this writing the rezoning requires a supermajority vote of Mayor and Council. There was a concern about the 16-foot single story units obstructing 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 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 it was reported by a resident during the public hearing has 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 PDSO 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.

Respectfully Submitted,



Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes