



MEMORANDUM

DATE: June 13, 2007
For June 28, 2007 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: *Albert Elias*
Albert Elias, AICP
Director, Urban Planning and
Design

SUBJECT: REZONING DEPARTMENT OF URBAN PLANNING AND DESIGN REPORT
C9-07-12 City of Tucson, SR, R-1 and R-3 to OS (Ward 1)

Issue – This is a request by Joanne Hershenhorn, on behalf of the property owner, the City of Tucson, to rezone approximately 138.29 acres from SR, R-1 and R-3 to OS zoning. The rezoning sites are located on the west side of Silverbell Road, between Ironwood Hill Drive and Sweetwater Drive (see Case Location Map). As indicated on the preliminary development plan dated April 30, 2007, the City is proposing to use the properties as open space and for transportation uses associated with the widening Silverbell Road. Open space uses include limited recreation such as trails, picnic areas, scenic outlooks, shade structures, limited access drives, parking areas as needed.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of OS zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped

Surrounding Zones and Land Uses:

Parcel 530

North: Zoned R-1; Undeveloped

South: Zoned RX-2/SR; Single Family Residences

East: Zoned R-1; Undeveloped, City of Tucson Recharge Basins

West: Zoned RX-2; Single Family Residence, Undeveloped

Parcel 531

North: Zoned R-1; Undeveloped, Roadway

South: Zoned SR; Single Family Residences

East: Zoned R-1; Undeveloped, Golf Course

West: Zoned RX-2; Single Family Residences

Parcel 532

North: Zoned R-1/R-3; Undeveloped, Single Family Residential

South: Zoned R-1; Undeveloped

East: Zoned R-1; Undeveloped, Golf Course, Single Family Residential Subdivision (under construction)

West: Zoned SR/R-3; Undeveloped, Single Family Residential

Parcel 533

North: Zoned R-1; Undeveloped

South: Zoned C-1/R-1; Luz Social Services, Inc. and Luz Academy, Undeveloped, Single Family Residences

East: Zoned R-1; Single Family Residential Subdivision (under construction)

West: Zoned RX-2; Single Family Residences

Parcel 535

North: Zoned R-1; Undeveloped

South: Zoned R-3; Single Family Residences

East: Zoned R-1; Single Family Residences

West: Zoned R-1; Undeveloped

Previous Cases on the Property:

C9-81-11, City of Tucson – Silverbell Road. This was a request to rezone Parcel 532, located on the west side of Silverbell Road, north and south of Goret Road, from County SR to City R-1 to allow six units per acre. The Mayor and Council adopted Ordinance 5418 on August 3, 1981 authorizing the rezoning. On November 23, 1987, the Mayor and Council adopted Ordinance 6849 amending the previous ordinance by adding conditions. This property remains undeveloped.

Interim Land Use Policy. The *Interim Land Use Policy (Policy)* was adopted by the Mayor and Council in Resolution Number 12338 on July 5, 1983, to provide land use guidance for rezoning properties annexed in 1980. The *Policy*, adopted in conjunction with a proposed amendment to the 1978 adopted *Santa Cruz Riverpark Plan*, states that "...recommendations should be considered when establishing City zoning or reviewing rezoning requests." The policy remains in effect for this area.

City of Tucson Ordinance Number 10110. On February 1, 2005, the Mayor and Council adopted Ordinance Number 10110 designating the rezoning sites as open space, subject to potential use for future roadway improvements as recommended by the Tucson Department of Transportation. The Ordinance also authorizes City staff to perform all acts necessary to give effect to the ordinance.

Related Cases:

C9-99-01 Robb Ranch - Speedway Boulevard. This was a request to rezone approximately 15.88 acres from RX-1 to R-1 and OS zoning to allow for 38, one-story, single-family residences on 10.18 acres and preserve 5.7 acres as open space on both sides of Robb Wash. The property is located south of Speedway Boulevard and east of Pantano Road. Mayor and Council authorized the rezoning on June 21, 1999 and adopted Ordinance 9372 on April 3, 2000. A subdivision plat was recorded on August 11, 2000.

Applicant's Request – The applicant has requested to rezone approximately 138.29 acres from SR, R-1 and R-3 to OS zoning for limited recreation uses and transportation uses associated with the widening and related improvements to Silverbell Road.

Planning Considerations

The *Interim Land Use Policy* and the *General Plan* provide relevant policy guidance for this request. According to the *Interim Land Use Policy*, recommendations included in Pima County's *Tucson Mountain Area Plan* should be generally used for guidance in establishing land uses, development densities, original City zoning and in reviewing rezoning requests. Terrain in this area ranges from gently rolling to steep bluffs and mountain foothills. The *Interim Land Use Policy* emphasizes preserving the natural character of the area, protecting as much native vegetation as possible and maintaining drainageways in their natural state.

The *General Plan* promotes an interconnected urban trail system throughout the city to meet the recreational needs of pedestrians, bicyclists, and equestrians. It also recommends continuing to utilize the open space zoning provisions and protect natural areas on appropriate city-owned property.

In 1998 the City of Tucson Planning Department prepared the *Open Space Inventory of City Owned Properties (Inventory)*. Parcels 531, 532 and 533 were identified as Type I properties in the *Inventory*. Type I properties are defined as parcels with significant areas of undisturbed native vegetation or other natural resource values. Parcel 531 was evaluated as potential open space, with flatter portions suitable for development or active recreation. Parcel 532 was evaluated as potential open space/view area. Parcel 533 was evaluated as having open space potential due to the ERZ wash, floodplain, steep slopes, undisturbed native vegetation and the Scenic Route designation along Silverbell Road.

The rezoning sites are comprised of five irregularly shaped parcels along the west side of Silverbell Road. Vehicular access to the rezoning sites is proposed from Silverbell Road. Silverbell Road is identified as an arterial street and a scenic route on the *Major Streets and Routes Plan* map, with a future right-of-way of 150 feet. The City Historic Preservation Officer and Parks and Recreation Department staffs have indicated that cultural resources of interest are located on the sites.

Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide estimates concerning the number of vehicle trips per day that the proposed open space will generate. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – Rezoning to open space will preserve the natural character of the area. Future uses of the property include limited recreational uses such as trails/paths, picnic and seating areas, scenic lookouts, and shade structures. Shade structures will be limited to 12 feet in height. Access drives and parking areas will be provided as needed. Transportation uses associated with widening and other improvements to Silverbell Road are also anticipated. Such uses may include construction equipment and materials storage.

Drainage/Grading/Vegetation – Two washes flow through the rezoning area. The West Speedway Wash is located south of Goret Road and the Camino de Oeste Wash is located north of Goret Road and south of Neosha Street. Both washes are designated as Environmental Resource Zones (ERZ) washes and are generally upstream of Silverbell Road. Vegetation on the parcels is that typically found in the Sonoran Desertscrub-Uplands areas. No significant change to the desert terrain is planned at this time.

Road Improvements/Vehicular Access/Circulation – Planning for the widening of Silverbell Road north of Grant Road is scheduled to begin in mid-2008. The planning and design phases will last approximately three years, with construction beginning in 2011 or 2012. Other planned improvements consist of widening Silverbell Road to a four-lane, divided roadway with pertinent upgrades for alternate mode usage, drainage, and traffic safety.

Conclusion – The proposed development is consistent with the policy direction provided in the *General Plan* and the *Interim Land Use Policy*, the recommendations provided by the *Open Space Inventory of City-Owned Properties* and Ordinance 10110. This rezoning request will preserve the natural character of the area; and therefore is supported by the plans. Approval of the requested OS zoning is appropriate, subject to compliance with the attached preliminary conditions.

Preliminary Conditions

1. Shade structures shall be limited to twelve (12) feet in height.
2. All exterior surfaces shall have colors that are consistent with or complement the colors of the surrounding development.
3. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
4. Map on-site buffelgrass locations. The data will be used as part of region-wide efforts to map, track the growth/spread of, and eradicate buffelgrass in the Tucson area.
5. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.