

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: December 6, 2011

TO: PLANNING & ZONING COMMISSION

FROM: Matt Michels, Senior Planner  
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SUBJECT: **Public Hearing:** Rancho de Plata. Rezoning of approximately 19 acres generally located ¼ mile south of Tangerine Road, on the west side of La Cholla from R1-144 Single-family Residential to R1-7 Single-family Residential to allow development of approximately 50 home sites, OV 911-005.

**SUMMARY**

The proposed rezoning is from R1-144 (Single-family Residential-144,000 Square Foot Minimum Lot Area) to R1-7 (Single-family Residential-7,000 Square Foot Minimum Lot Area) for a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. for the purpose of constructing a 50 lot single-family residential subdivision.

The applicant has concurrently filed an application to amend the General Plan land use designation for the property from Neighborhood Commercial/Office (NC/O) to Medium Density Residential (MDR). At the November 15, 2011, special meeting the Planning and Zoning Commission recommended unanimous (6-0 vote) approval of the amendment to the Town Council, who will hold a public hearing on December 7. Approval of the rezoning is predicated on approval of the General Plan Amendment. If the General Plan Amendment and rezoning are approved, a Design Review process will be required, including a conceptual site plan and final plat.

**BACKGROUND**

Site Conditions

- Property is 19.45 acres
- Existing General Plan designation is NC/O. Proposed General Plan designation is MDR
- Existing zoning is R1-144. Proposed zoning is R1-7
- Property is currently vacant

Proposed Improvements

- 50 home sites ranging from 6,325 square feet (s.f.) to 6,600 s.f.
- Required setbacks: 20' front and rear; 7.5' side
- Maximum building height: 25' or 2 stories
- Overall density is 2.6 du/ac.
- 36% of site is open space
- Environmentally Sensitive Lands Ordinance (ESLO) allows for 5,500 s.f. lots with 25% Multi-Use Management Open Space and preservation of 95% of critical resource areas. Discussed on Pages 5-6.
- Two (2) all-weather wash crossings
- 90 foot natural desert buffer yard on south side of property to buffer low-density development to south
- Natural desert buffer yard on east side of property (along La Cholla Blvd.)
- Two recreation areas which will also serve as retention basins (see Exhibit II.E.1 & 2)
- 30-foot bike/pedestrian pathway/sewer easement along southern boundary of subdivision

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- Bike/pedestrian connection to Wilson K-8 School (pending approval from the Amphi School District)
- Approvals to Date

There have been no approvals to date on the subject property. The R1-144 zoning was established with the overall general area and was not associated with a specific development proposal. As noted, there is a pending General Plan Amendment to enable to the proposed rezoning of the property.

#### Surrounding Zoning Districts & Land Uses

Direction	Zoning District	Land Use
North	R1-144	Vacant (State Land)
South	R1-144	Rural Large Lot Single-family Residential
East	R1-20	Planned Residential – Rancho de Cobre
West	R1-144	Wilson Middle School

#### Process to Date and Projected Schedule

- First Neighborhood Meeting\*: September 14<sup>th</sup>, 2011
- Second Neighborhood Meeting\*: October 3<sup>rd</sup>, 2011
- Rezoning Application Received October 17<sup>th</sup>, 2011
- P&ZC Public Hearing December 6<sup>th</sup>, 2011
- TC Public Hearing for GP Amend. December 7<sup>th</sup>, 2011
- Town Council Public Hearing January 10, 2012 (tentative)

\* Neighborhood meetings covered General Plan Amendment and rezoning issues

#### Existing and Proposed Zoning Districts

The Zoning Code defines the existing and proposed zoning districts for the property as follows:

- R1-144 Single-Family Residential District: This district is intended to promote and preserve suburban-rural single-family residential development. The large lot size permits agricultural uses and promotes open space.
- R1-7 Single-Family Residential District: This district provides for medium high-density detached single-family residential development.

### ANALYSIS OF PROPOSED AMENDMENT

Staff's analysis of the proposal is based on the following:

- I. General Plan conformance
- II. Zoning Code Conformance
- III. Public comments, including neighborhood meetings and correspondence

Following is an analysis of each element:

**I. GENERAL PLAN CONFORMANCE**

The application has been reviewed against notable General Plan policies as follows:

Goal 1.1 *To preserve Oro Valley's natural Sonoran Desert environment and the scenic resources that are an important part of the community's quality of life.*

The Tentative Development Plan (TDP) submitted as part of the rezoning application depicts appropriate preservation of the natural resources present on the property. This development application is the first application in Oro Valley to require full compliance with the newly adopted Environmentally Sensitive Lands Ordinance (ESLO) which requires comprehensive analysis and preservation of the wash corridors and native plant species which exist on the property. ESLO compliance is discussed in greater detail on Pg. 5-6.

Policy 1.1.1 *The Town shall promote clustering of development to protect environmentally sensitive area and to preserve significant, passive use, natural open space within residential neighborhoods...*

The applicant's proposal for smaller residential lots creates the opportunity to concentrate the developed areas of the property to preserve the natural wash and native vegetation on the property. This development proposal is consistent with this policy.

Policy 1.1.3 *The Town shall continue to avoid development encroachments into washes, riparian areas, designated natural open space and environmentally sensitive lands...*

The proposed TDP for the property maintains and preserves the natural wash corridors. The proposed subdivision layout provides additional open space areas adjacent to the wash corridor to prevent encroachment of the development areas into these natural washes. The development meets the requirements under ESL to preserve 95% of the Critical Resource Areas (wash corridors), and 25% of the Resource Management Areas (balance of the property) in natural open space.

Policy 1.4.8. *The Town shall continue to require adequate buffering of commercial and employment uses from adjacent neighborhoods, with special consideration being given to placing office or other less intensive uses adjacent to residential areas.*

The applicant's proposal would eliminate the planned commercial area north of the existing residential area and provide a more logical land use transition from the rural residential area to the south to the planned commercial on the southwest corner of Tangerine and La Cholla. The proposed TDP incorporates enhanced buffer areas along the south boundary line to establish an appropriate transition to the medium density residential development proposed with this application.

Policy 1.5.4. *The Town shall ensure that areas appropriately zoned and planned for neighborhood commercial use are developed.*

As previously indicated, commercial areas in appropriate locations should be retained for the future fiscal benefit of the community. However, the applicant has identified a number of conditions present on the property which negatively impact the viability of this property as a future commercial development. These factors include the impact of the natural washes on the site, the distance of the property from the arterial intersection ¼ mile to the north, and the visibility limitations created by the natural vegetation along La Cholla.

Staff is in agreement that these specific conditions may limit development of the site as a viable commercial development in the future.

Policy 7.2.2. *The Town shall encourage a variety of residential building types consistent with the General Plan and in accordance with the Town's zoning and subdivision design standards.*

Development of the property at a medium residential density is consistent with this policy by providing smaller lot residential development which expands the variety of choices available in this area. Existing residential uses in this area include one half (½) to 3.3 acre residential lot sizes and the location of the proposed medium density subdivision as a transition to the more intense uses along Tangerine Road is consistent with this policy.

## II. ZONING CODE CONFORMANCE

The proposal is in conformance with applicable Zoning Code requirements. The site has been designed with consideration of preservation of the washes, maintaining the Tangerine Road scenic corridor and minimizing impacts to adjacent and nearby homes.

### Site Analysis and Tentative Development Plan (TDP)

The site analysis provides a detailed description of the existing and proposed site elements. The TDP provides an overall layout of the lots, roads, location of recreation areas, buffers and other site improvements. If the rezoning is approved, a conceptual site plan and final plat will be required as part of the design review process.

### Tangerine Road Corridor Overlay District (TRCOD)

This property lies within the peripheral area of the TRCOD. The project is subject to the scenic resource area design guidelines found in Addendum H of the Zoning Code. The following guidelines are notable for this application:

Addendum H.3.a.ii.a *Street patterns and/or landscaping are to be provided consistent with safe traffic visibility and design practice to screen views of rights-of-way perpendicular to scenic corridors.*

A critical resource area will be preserved on the eastern side of the subdivision adjacent to La Cholla Blvd. This natural open space area will screen the view of the subdivision from La Cholla Blvd.

Addendum H.3.a.ii.c *Pathway linkages are to be provided within the development and connecting with pathways, trails, or bike lanes paralleling the scenic corridor.*

Pathways will be provided throughout the site with sidewalks and connections to the Wilson K-8 School to the west and a decomposed granite trail along La Cholla Blvd.

Addendum H.3.a.ii.e *Maintain views from residences to mountain vistas, major washes, and native vegetation.*

Although the project is not within the ¼ mile TRCOD Target Area, the applicant has provided a viewshed analysis from four (4) vantage points. This project will have viewshed impacts to the Wilson K-8 school to the west and the view of the Tortolita Mountains from the south may be affected. View impacts to adjacent

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properties will be mitigated through the reduction in building height to one story along the eastern and western sides of the property. See Section I-F of the Site Analysis for addition details regarding viewshed analysis and mitigation. A condition has been added to Attachment #2 to address this requirement.

#### R1-7 Zoning District Conformance

The proposed TDP conforms with the development standards for the R1-7 zoning district. Please note that conformance with certain zoning standards, including building setbacks, will be confirmed at the conceptual design phase. The following development standards are notable for this proposal:

1. **Building heights:** Building height is limited to 25' or 2 stories in the R1-7 zoning district. Two story homes will not interfere with the primary views of the Catalina Mountains from the homes to the south.
2. **Neighborhood Compatibility:** This property is surrounded by a school, open space, and rural homes on approximately 3.3 acre lots. Rezoning this property to R1-7 requires sensitivity to the existing context by using design and mitigation techniques to improve compatibility. These measures include expanding buffer yards (discussed below), preservation of natural open space, and reduction of building heights along the western, southwestern, and eastern perimeters of the subdivision. A condition has been added to Attachment #2 to address this requirement.
3. **Access/Circulation** The property is accessed from a single driveway entrance off La Cholla Boulevard. The proposed driveway meets driveway spacing requirements and has been approved by Engineering.

On-site circulation is adequate, although the proliferation of culs-de-sac, while promoting privacy and low traffic within the cul-de-sac, is not ideal from a connectivity standpoint.

4. **Buffer yards:** Vegetated/landscaped buffer yards will be provided along the perimeter of the property, as follows:

Direction	Required	Provided
North	15'	15'
East	40'	110'-170'
South	15'	30'
West	15'	15'

The buffer yards on the south and east are increased to provide a visual buffer for residents to the south and from La Cholla Road.

#### Environmentally Sensitive Lands Ordinance (ESLO) Conformance

This proposal has been designed to be consistent with all provisions of the ESLO. Following is an analysis of specific requirements:

1. **Critical Resource Areas:** These areas require 95% Environmentally Sensitive Open Space (ESOS) preservation. Two Critical Resource Areas are present on the site. There will be no disturbance to these riparian areas, except as necessary for roadway improvements (all weather crossings) across the washes. A condition requiring mitigation of these areas has been added to Attachment

#2. In addition, a 15' riparian apron is provided around these areas to avoid disturbance during construction (see Exhibit D.1).

2. Resource Management Areas: The site is mapped as Tier 2 Resource Management Area, which requires a minimum 25% ESOS. The project provides 36% ESOS, which exceeds this requirement. These areas will only be disturbed by trails, utilities (as necessary), and a small detention area. Mitigation will be provided as required by the Code.
3. Cultural Resources: No cultural resources have been identified on the site. See Section 1.1 of the Site Analysis for documentation.
4. Conservation Design Lot Reduction Incentive: The ESLO provides for reduced lot sizes (see Table 27.10-6) if at least 25% of the project site is designated as ESOS. Although the proposed lot size (5,500 square feet) is smaller than the base zoning district (7,000 square feet), the applicant is not requesting any additional density bonus (see Table 27.10-7). While the lot sizes are reduced, the density has not increased from what is allowed in the R1-7 zoning district.
5. ESOS Design Standards: Specific development/building envelopes will be shown on the conceptual site plan/plat subsequent to rezoning. The building envelopes will be designed to avoid significant environmental resources on the property.

#### Engineering Comments

##### Drainage

The general drainage patterns for the post-developed site will closely match the pre-developed conditions with engineered conveyance mechanisms incorporated into the final design. Under post-developed conditions, all flows shall be mitigated to discharge to the south in the same or reduced intensity, manner and location as in the existing form. Any floodplain encroachment by the identified crossings shall be permitted through a floodplain use permit process. Rezoning of this property will not have detrimental impacts to upstream or downstream neighbors as long as Town drainage criteria requirements are adhered to during site development.

With regard to public safety within the developed site, the tentative development plan accompanying this rezoning request depicts minimal impacts to the existing local floodplains that traverse the site. As a requirement of the Town's drainage criteria requirements, all habitable structures shall be protected from flooding. Since none of the structures are being proposed within an established floodplain zone, flood protection can be accomplished by setting finished floor elevations a minimum of 12-inches above adjacent drainage conveyance.

##### Traffic

The proposed development resulting from the rezoning may have impacts to existing traffic. The developer will be responsible to mitigate any impacts and ensure that existing traffic level of service patterns are maintained in the developed condition. This will be evaluated during the conceptual design review stage with the submittal of a full traffic impact analysis.

### **III. PUBLIC NOTICE AND COMMENT**

This project has been noticed in accordance with Town procedures, which includes the following:

- Notification of all property owners within 1,000 feet

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- Homeowners Association mailing
- Notice in The Daily Territorial newspaper
- Post on property
- Post at Town Hall and on website

Two neighborhood meetings were held. The first meeting was held on September 14, 2011. Approximately 6 residents and interested parties attended the meeting. A second neighborhood meeting was held on October 3, 2011. Two (2) residents and interested parties attended the meeting. A number of issues were discussed at each meeting, including the following:

- Drainage impacts
- Type and price of homes
- Compatibility of the smaller lot sizes in relation to larger lots in the vicinity
- Access to subdivision
- Variety of lot sizes within the subdivision

The summary notes from both meetings and are attached for your reference (Attachment #3 and #4).

#### **SUMMARY/CONCLUSION**

The proposed rezoning has been evaluated using applicable General Plan goals and policies as well as Zoning Code. Following is a summary of the factors for and against the proposal:

##### Factors for:

1. The proposal conforms with the General Plan and the ESLO
2. The use of the property for small lot clustered single-family residential is better suited based on the significant natural washes which traverse the site and restrict site visibility.
3. The sites' environmentally sensitive resources will be preserved in accordance with ESLO standards.
4. The proposed development will provide a logical transition in land use intensity from the rural residential use to the south and the planned commercial to the north.

##### Factors Against:

1. The higher density residential development will change the character of the property from rural residential to suburban residential.

#### **RECOMMENDATION**

Based on approval of the pending General Plan Amendment, the proposed rezoning will be in conformance with the General Plan as well as the Zoning Code. Specifically, the rezoning will preserve significant natural resources, utilize a clustered development approach to protect environmentally sensitive areas and serve as an appropriate transition to the more intense commercial uses to the north. Staff recommends approval of the proposed rezoning.

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**SUGGESTED MOTION**

The Planning & Zoning Commission may wish to consider one of the following suggested motions:

I move to recommend approval of the request for a rezoning of a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, subject to the conditions in Attachment #2, finding the following:

- The proposal conforms with the General Plan
- The proposal conforms with the ESLO
- The project design preserves environmentally sensitive areas
- \_\_\_\_\_ (other)

OR

I move to recommend denial of the request for a rezoning of a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, finding the following...

**Attachments**

1. Site Analysis
2. Conditions of Approval
3. September 14, 2011, Neighborhood Meeting Summary
4. October 3, 2011, Neighborhood Meeting Summary

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David A. Williams, AICP, Planning Division Manager