



Zoning Examiner

AMENDED REPORT TO MAYOR AND COUNCIL

January 18, 2022

C9-21-20 Casita Village at La Mariposa – Houghton Road, SR to R-2 (Ward 2)

Public Hearings: December 2, 2021

January 6, 2022

BACKGROUND

This is a request by Lexy Wellott, of the Planning Center, on behalf of Saunders Amos, LLC to rezone approximately 19.79 acres from SR to R-2 zoning. The proposed rezoning request is part of a larger multi-family development on a 35.59-acres located north/northeast of La Mariposa Resort and on the north and south sides of Corte Vista La Mariposa. The proposed project is to develop the vacant property into a rental home development consisting of 179 one-story luxury casita units. The 19.79-acre rezoning site is located approximately one-half mile south of Tanque Verde Road on the northwest corner of Houghton Road and Corte Vista La Mariposa, and consists of six contiguous parcels. The Applicant is seeking to rezone from SR to R-2 in order to develop 132 of the proposed 179 units on the rezoning site.

PUBLIC HEARING SUMMARY

December 2, 2021 Zoning Examiner Hearing

The Applicant's representatives spoke in support of the proposed rezoning.



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Nine persons spoke in opposition to the proposed rezoning, raising concerns about continued flooding in the area; the fact that there have been no flood-related improvements since the earlier rezoning applications on the property, which were denied due in part to flooding concerns; traffic concerns related to both Bonanza Avenue (located to the west of the proposed development) and Houghton Road (which lies to the east of the proposed development); environmental and wildlife impacts from the proposed development; the density of the proposed development, which is surrounded primarily by low density residential neighborhoods and vacant land zoned for low density use; and the fact that the proposed development is a rental home complex, not owner occupied homes.

The Applicant's representatives responded to these concerns, stating that traffic from the proposed development would be directed by signage to use Houghton Road, not Bonanza Avenue; additional, detailed hydrological studies would be done before the property is developed and, if necessary, the size of the development would be reduced if those studies warranted.

Several witnesses also testified that the owner of the property had recently dumped 70 truckloads of dirt on the property. The dumping occurred while the rezoning application has been pending. The Applicant's representatives stated that this was done by the owner of the property, not the Applicant.

As of the date of the December 2, 2021 Zoning Examiner hearing, there were no (0) written approvals and sixty-eight (68) written protests. The protests covered the same issues that were the subject of the testimony at the public hearing.

The Zoning Examiner's December 9, 2022 Preliminary Report and the Applicant's Request for Reconsideration.

The Zoning Examiner's December 9, 2021 Preliminary Report concluded that "on the record available at this time, the Applicant's requested rezoning does not comply with *Plan Tucson* or the *BNCP*." This conclusion was based principally on concerns about the status of hydrologic studies on the property; the dumping of material on the property and whether that would impede archaeological investigations and recovery; and the type of residential housing (rental homes) that would be provided by the proposed development.



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The Applicant submitted a request for reconsideration on December 14, 2021 and provided additional information related to planning considerations for the proposed development as well as more detailed information regarding the hydrologic studies done to date.

The Zoning Examiner concluded that the hearing on the matter should be re-opened based on the additional information submitted by the Applicant, and set the re-opened and continued hearing for January 6, 2022.

January 6, 2022 Zoning Examiner Hearing

The continued public hearing was held on January 6, 2022. The Applicant's representatives submitted additional information and testimony in support of the rezoning request. This included: 1) additional planning information to support the position that the proposed development would be in conformity with *Plan Tucson* and the *Bear Canyon Neighborhood Plan*; 2) the fact that the material dumped on a portion of the property has been removed; 3) testimony from the Applicant's archeological consultant as to the archaeological investigation and recovery efforts that would be undertaken at the property, and the fact that the dumped (and now removed) material would not interfere with the archaeological investigation and recovery; and 4) additional testimony from the Applicant's hydrology consultant concerning the hydrologic studies performed to date, and the studies that will be performed in the future, that demonstrate that the proposed development on the property will not adversely affect other properties in the area.

Eight persons spoke in opposition to the proposed rezoning. The speakers live in the SR zoned neighborhoods north and northwest of the rezoning site, across the Agua Caliente Wash from the rezoning site. The concerns raised were similar the concerns expressed at the December 2, 2021 Zoning Examiner Hearing, including: 1) flooding in the area and the impact of the proposed new development on flooding conditions; 2) traffic concerns related to both Bonanza Avenue (to the west of the proposed development) and Houghton Road (which lies to the east of the proposed development); 3) the density of the proposed development; and 4) the fact that the proposed development is a rental home complex, not owner occupied homes.

The Applicant's representatives then stated that the Applicant would agree to additional conditions on the proposed rezoning beyond those stated in the PDSD proposed preliminary conditions.



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These additional conditions include: 1) the Applicant will conduct further hydrologic studies, specifically addressing the proposed development and the grading and other construction activity that will be required to construct the proposed development, and will do all work required to apply for a Conditional Letter of Map Revision (CLOMR) from FEMA as a condition of rezoning (instead of waiting until a development package is submitted); 2) the Applicant will work with the owner of the La Mariposa Resort to have Corte Vista La Mariposa closed at Bonanza Avenue (except for emergency vehicle access) as a condition of rezoning; and 3) the Applicant will work with the neighboring property owners to determine whether speed humps would be appropriate along Bonanza Avenue, and if so, the Applicant would fund the construction of speed humps.

FINDINGS OF FACT

Background Information

Existing Land Use: The 19.79-acre site is vacant

Zoning Descriptions:

Existing: Suburban Ranch SR: This zone provides for low density, large lot, single-family, residential development and suburban ranch uses, including agriculture uses.

Proposed: Residence Zone R-2: This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Suburban Ranch (SR); Single-family Residential

South: Suburban Ranch (SR) and Office (O-3); Single-family Residential

Southwest: Suburban Ranch (SR), Office (O-3) and Commercial (C-1); La Mariposa Resort

East: Suburban Ranch (SR); Vacant across Houghton Road

West: Suburban Ranch (SR) and Residence (RX-1); Single-family Residential

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and the *Bear Canyon Neighborhood Plan*.



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Plan Tucson

The rezoning site is located within *Plan Tucson's* Future Growth Scenario Map which identifies the rezoning site as an "Existing Neighborhood". 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. *Plan Tucson* recognizes that medium-density is generally appropriate where primary vehicular access is provided to an arterial and is directed away from the interior of low-density residential areas (LT28.2.2). It supports environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses and enhances the overall function and visual quality of the street, adjacent properties, and the community (LT28.2.12). *Plan Tucson* calls out that urban design is sensitive to the surrounding scale and intensities of existing development (LT4).

Bear Canyon Neighborhood Plan (BCNP)

The *Bear Canyon Neighborhood Plan (BCNP)* encourages new quality-designed residential development which is compatible with existing neighborhoods. It encourages a mixture of housing types emphasizing single-family, owner-occupied dwellings.

The overall residential goal of the *BCNP* is to protect and stabilize the character of the neighborhood and to encourage an environment compatible for family living. Sub-Goals encourage new quality-designed residential development which is compatible with the existing neighborhood; and policies are to preserve the integrity of established neighborhoods, promote high-quality residential infill of vacant land where adequate streets and utilities are made available, and ensure the compatibility of new development with existing land uses.

The environmental goal of the *BCNP* is to preserve the two major water courses which affect the neighborhood area, the Tanque Verde Creek and the Agua Caliente Wash. Policy direction calls for detailed hydraulic studies to determine the characteristics and extent of any flood hazards. Development along the Tanque Verde Creek and Agua Caliente Wash is only allowed in conformance with the City's Floodplain regulations.

The *BCNP* General Development Map identifies the rezoning site for medium density residential (6-16 DU/Acre) and office. The text of the *BCNP* expressly requires that any rezoning must await "detailed hydrologic studies" and the resolution of the "flooding issues" that affect the area. The *BCNP* states:



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4. Development along the Tanque Verde Creek and Agua Caliente Wash is only allowed in conformance with the City's Floodplain regulations. The area east of Jones Road [now known as Bonanza Avenue] between Tanque Verde Creek and the Agua Caliente Wash is in an indeterminate status due to severe flooding problems.

Until such time as detailed hydrologic studies are accomplished, no change in land use densities or zoning should be allowed except to reflect existing uses. In no event will any development be allowed within the actual floodway. Also, Rillito Corridor conditions must be met prior to any rezoning.

At the time the flooding issues are resolved, a mix of medium-density residential and office uses might be appropriate in this area. Approval of these uses will be contingent upon appropriate rezoning and concurrence by the City Engineer and the Pima County Flood Control District. Any future development shall be done to ensure that the existing riparian habitat will not be unnecessarily altered.

Design Considerations

Land Use Compatibility – The rezoning area is bordered by Houghton Road to the east, single-family residences to the north and northwest, Corte Vista La Mariposa street to the south, and La Mariposa Resort to the southwest. The rezoning request for the 132-units will use low-impact development techniques and features a clustered development that positions development towards existing roadways and infrastructure while preserving the site's primary watercourse (Agua Caliente Wash) and associated riparian habitat. The rezoning and overall development will have significant natural open space west of the property that preserves natural landscape and significant mesquite bosques. There will be a 40-foot landscape drainage border along Houghton Road (minimum 10-foot landscape border with a 30-foot drainage). The project proposes one-story building heights with a maximum of 25 feet. Primary access to the project is from Houghton Road; no public streets are proposed to connect to Bonanza Avenue, west of the site, although access to Bonanza Avenue is currently available over Corte Vista La Mariposa. Access to the proposed development would be provided by three driveways on Corte Vista La Mariposa. Signage would be placed on each driveway to direct westbound traffic on Corte Vista La Mariposa to Houghton Road.

The proposed casitas would be constructed of materials typical to Tucson, including but not limited to brick, stucco, stone, wood, and clay tile. Colors will be chosen from the desert southwest palette and will be compatible and complementary to the surrounding development.

The rezoning area of 132 units on 19.79 acres will have an overall density of 6.67 residences per acre. The proposed density could provide a transition between higher-intensity uses along



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Speedway Boulevard corridor such as The Place at Tanque Verde Creek, a high-density apartment complex, and the larger-lot subdivisions to the north of the rezoning site.

Drainage/Grading/Vegetation – The Design Compatibility Report (DCR) states that healthy vegetation will be provided on all property boundaries in the landscape. Vegetation will be concentrated in the landscape border, setback, and basin areas. Shade trees will be provided around detention basins, in open space areas, and scattered throughout the site along internal roadways. Landscaping within the detention areas will be located to take advantage of the collected rainwater. Additionally, appropriate lighting, in compliance with the Dark Skies Ordinance, will be provided across the site for security of visitors and the residents of the surrounding neighborhoods. The project will require fill to raise it out of the floodplain. The DCR states the fill varies in height from 1’ to 3.5’, with the lesser amount of fill directed towards the wash.

An initial drainage assessment was prepared to address overflow flooding due to the flows in the Agua Caliente Wash and Tanque Verde Creek. This preliminary analysis determined that a significant “dry island” exists in the middle of the site. The majority of the portion of the site which would be developed had flow depths of less than one foot, with depths increasing to 1’ to 2’ closer to the wash. The preliminary encroachment analysis indicated that the project’s proposed footprint will have some impact on the depths in the Agua Caliente floodplain and will have no impact on the Tanque Verde Wash. The Applicant suggests that a refined analysis of the encroachment areas during the development process may occur once a proposed grading plan is established to confirm that sections across these areas comply with encroachment standards and City of Tucson standards and regulations. According to the Preliminary Grading Plan in the DCR, the entire development area within the proposed rezoning boundary will be filled to a minimum of one foot above the adjacent floodplain elevation. The breakout flow along Houghton Road will be accommodated within a channel in the proposed development.

A study has been completed of the floodplain and vegetation on-site to determine the Protective Riparian Area (PRA). The work completed has been utilized to create a PRA limit based on existing disturbance, vegetation densities, and proposed floodplain limits. The PRA will be subject to all City of Tucson Riparian Habitat Standards.

The project will preserve approximately 33% of the rezoning area. (Most, if not all, of this area is in the Agua Caliente floodplain.) This area has been determined to be one of the highest quality vegetation and contains cultural resources. Under the PDP, this area would be preserved as undisturbed natural open space. Additionally, the area between the proposed PRA limits and the Agua Caliente Wash is utilized by adjacent neighbors for horseback riding. It contains trails identified on the Pima Regional Trails System Master Plan as well as informal trails. The undisturbed areas will continue to be open to the public and will serve as a transitional space between Casita Village at La Mariposa and the larger lot developments north of the Agua Caliente Wash. Per the Mayor and Council-adopted Pima County Regional Trails System Master Plan, there is a portion of the existing Agua Caliente Wash single-track (Trail 001) that is located in the



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developed area of the project. City of Tucson, Parks and Recreation recommends that a rezoning condition should be added to relocate that portion of the trail to the undeveloped area of the site and connect to the trail where it currently exits north. Pima County Natural Resources, Parks and Recreation has reviewed and states that the project needs to have a 50-foot trail easement added to the northwest quadrant of the project. Staff has included a condition outlining the concerns from both City of Tucson, Parks and Recreation and Pima County Natural Resources, Parks and Recreation. If the rezoning is approved, the Applicant should work with both City of Tucson Parks and Recreation and Pima County Natural Resources, Parks and Recreation in finalizing trail easement, design and placement prior to submitting any Development Package for Grading Plan and Plat.

Pima County Wastewater – The rezoning area is within Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Tres Rio Water Reclamation Facility via the North Rillito Interceptor. Capacity for the proposed development is currently available and PCRWRD has no objection to the proposed rezoning. PCRWRD also states that the owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for a building permit, and the owner(s)/developer(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

Pima County Regional Flood Control District (District) – The District has reviewed the Preliminary Development Plan and the Design Compatibility Report and noted that the Zone AE portion of the project is associated with the Agua Caliente Wash. The Agua Caliente Wash is also designated as a Regional Watercourse with an associated 100' erosion hazard setback (EHS) under the Pima County Floodplain Management Ordinance. The Agua Caliente Wash runs along the northern boundary of the project and currently is in its natural state and is not bank protected. If development occurs on private property within a Regional Watercourse, dedication to the District, in fee, of the area that remains in a Special Flood Hazard Area is required.

The District has no objection to the requested rezoning, subject to including a condition that property that remains in a Special Flood Hazard Area after development shall be dedicated in fee simple to the District. The District shall review the project at the time of any development in order to verify the Agua Caliente encroachment and the mitigation of the Zone A Special Flood Hazard Area meet FEMA standards.

Historic Preservation – The proposed project is located within a known prehistoric Hohokam archaeological site [AZ BB:13:398 (ASM)]. The site has been recommended eligible for listing in the National Register of Historic Places under Criterion D and previous investigations have documented significant subsurface cultural deposits and features. If possible, the site should be preserved in place; and, for portions that cannot be preserved, then an archaeological mitigation



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program must be implemented to recover any human remains and analyze and publish scientific data from the site before land modifications begins.

A qualified archaeological consulting firm permitted by the Arizona State Museum should be hired to implement the data recovery program for the site prior to any grading or ground-disturbing work within the site. The plan for the data recovery should be reviewed by the City of Tucson Historic Preservation Office.

Road Improvements/Vehicular Access/Circulation – The rezoning site is to be accessed from Houghton Road by Corte Vista La Mariposa which is a private road that provides access to adjacent properties via access easement agreements. Houghton Road is an arterial roadway on the *Major Streets and Routes Plan (MSRP)* map. It is currently a two-lane undivided roadway and runs north-south from the base of the Catalina Mountains south to I-10. Houghton Road adjacent to the project has paved shoulders but does not have curbs, sidewalk, street lighting, etc.

According to the TIA, Houghton Road generates 13,623 average daily trips (2019). Pima Association of Governments estimates vehicle trip generation of 1,263 expected daily trips for the proposed development. The DCR states that Corte Vista La Mariposa currently has a very low level of traffic which will easily handle the traffic associated with the proposed development. Based on the TIA analysis, a southbound right-turn lane is not warranted at the existing Houghton Road and Corte Vista La Mariposa intersection. A northbound left-turn lane is warranted, but a northbound left-turn lane already exists and has adequate storage to accommodate traffic totals. The analysis also determined that the proposed development should consider the provision of a sidewalk or other walking surface/path that may be used by pedestrians associated with the development to access Houghton Road and provide continuity of a pedestrian access route, particularly when pedestrian access on Houghton Road is improved in 2026.

Prior Rezoning Cases on the Property

There have been at least two prior rezoning cases on the property that is the subject of the current rezoning application. In the most recent, the owner of the property sought rezoning from SR to R-3, but later revised the application to seek permission to build 21 one- and two-story single-family residences on 10.9 acres. See C9-97-24 Wootton - Houghton Road, RX-1 and SR to R-3. The Zoning Examiner held public hearings on December 18, 1997, January 15, 1998 and February 15, 1998. The Zoning Examiner recommended that action on the rezoning request be continued until such time as a Conditional Letter of Map Revision (CLOMR) was approved and the flooding issues in the area were resolved. The City Manager concurred with the Zoning Examiner's



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recommendation. On April 6, 1998, Mayor and Council remanded the rezoning case to the Zoning Examiner until a CLOMR was approved and the flooding issues were resolved.

On June 16, 2005, the Applicant submitted a revised preliminary development plan for 21 one- and two-story single-family residences on 10.9 acres. The Zoning Examiner held a public hearing on October 6, 2005 and recommended denial of the rezoning request. On November 15, 2005, the Mayor and Council denied the rezoning request.

The Zoning Examiner's October 6, 2005 Report and Recommendation concluded that the requested rezoning did not conform to the *BCNP* or the City's *General Plan* [now known as *Plan Tucson*] in several respects: 1) while the *BCNP* would permit medium density development on the property *after* flooding concerns were addressed and resolved, the property was still subject to shallow flooding; 2) the proposed grading of the site to prepare it for development would be extremely detrimental to the exiting environmentally sensitive area, and both the *BCNP* and the *General Plan* promote the protection and preservation of significant areas of vegetation and wildlife.

The Current Rezoning Application

In the current rezoning application, the Applicant seeks permission to build 132 residential units on a portion of the rezoning site, and will preserve the remainder of the site as open space. The testimony at the January 6, 2022 Zoning Examiner hearing, the Applicant's agreement to perform further hydrologic studies and obtain a CLOMR from FEMA as a condition of rezoning and the Applicant's agreement to work with the owner of La Mariposa to effect the closure of Bonanza Avenue (except for emergency access) as a conditions of rezoning support a recommendation for approval of the current application for rezoning.

The PDP designates the undeveloped portion of the property as undisturbed open, space, or Protective Riparian Area (PRA), and this will mitigate some of the environmental and land use concerns about development on the property. *Plan Tucson* states that one of its goals is to "maintain the character of existing neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability." *Plan Tucson* also states that development design should be



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sensitive to the surrounding scale and intensities of existing development. The Zoning Examiner finds that the proposed cluster development, which will leave a substantial portion of the rezoning site as undisturbed open space, meets these goals.

The text of the *BNCP* requires that any rezoning in this area must await “detailed hydrologic studies” and the resolution of the “flooding issues” that affect the area and the property in question. The Zoning Examiner finds that the hydrologic studies performed to date and the Applicant’s agreement to perform additional hydrologic studies and obtain a CLOMR from FEMA as a condition of rezoning, will meet these requirements. The *BNCP* policies also provide for “ensur[ing] the compatibility of new development with existing land uses” and “encourag[ing] a mixture of housing types emphasizing single-family, owner-occupied dwellings.” *BNCP* does not prohibit the construction of rental homes. The Zoning Examiner finds that permitting the number of rental homes proposed in this rezoning would not be inconsistent with the *BNCP*.

Conclusion

For the reasons stated above, the Zoning Examiner concludes that the Applicant’s requested rezoning complies with *Plan Tucson* and the *BNCP*, if the following additional conditions are imposed as conditions of rezoning: 1) The Applicant will conduct further hydrologic studies, specifically addressing the proposed development and the grading and other construction activity that will be required to construct the proposed development, and will apply for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to submitting any Development Package for the project. The Applicant (builder/developer) shall notify the Bear Canyon Neighborhood Association, any affected neighborhood association, and any affected property owner within 400 feet at least 30 days prior to submittal of plans to the City of Tucson. The Applicant (builder/developer) shall offer to review the CLOMR submitted to FEMA, and the proposed development plans for the project with the neighbors and/or affected neighborhood association; 2) the Applicant will work with the owner of the La Mariposa Resort to have Corte Vista La Mariposa closed at Bonanza Avenue (except for emergency vehicle access) as a condition of rezoning; and 3) the Applicant will work with the neighboring property owners to determine whether speed humps would be appropriate along Bonanza Avenue, and if so, the Applicant will fund the construction of speed humps.

Recommendation

The Zoning Examiner recommends approval of the requested rezoning, subject to the conditions proposed by PDSD and the additional conditions stated above.



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Sincerely,

John Iurino
Zoning Examiner

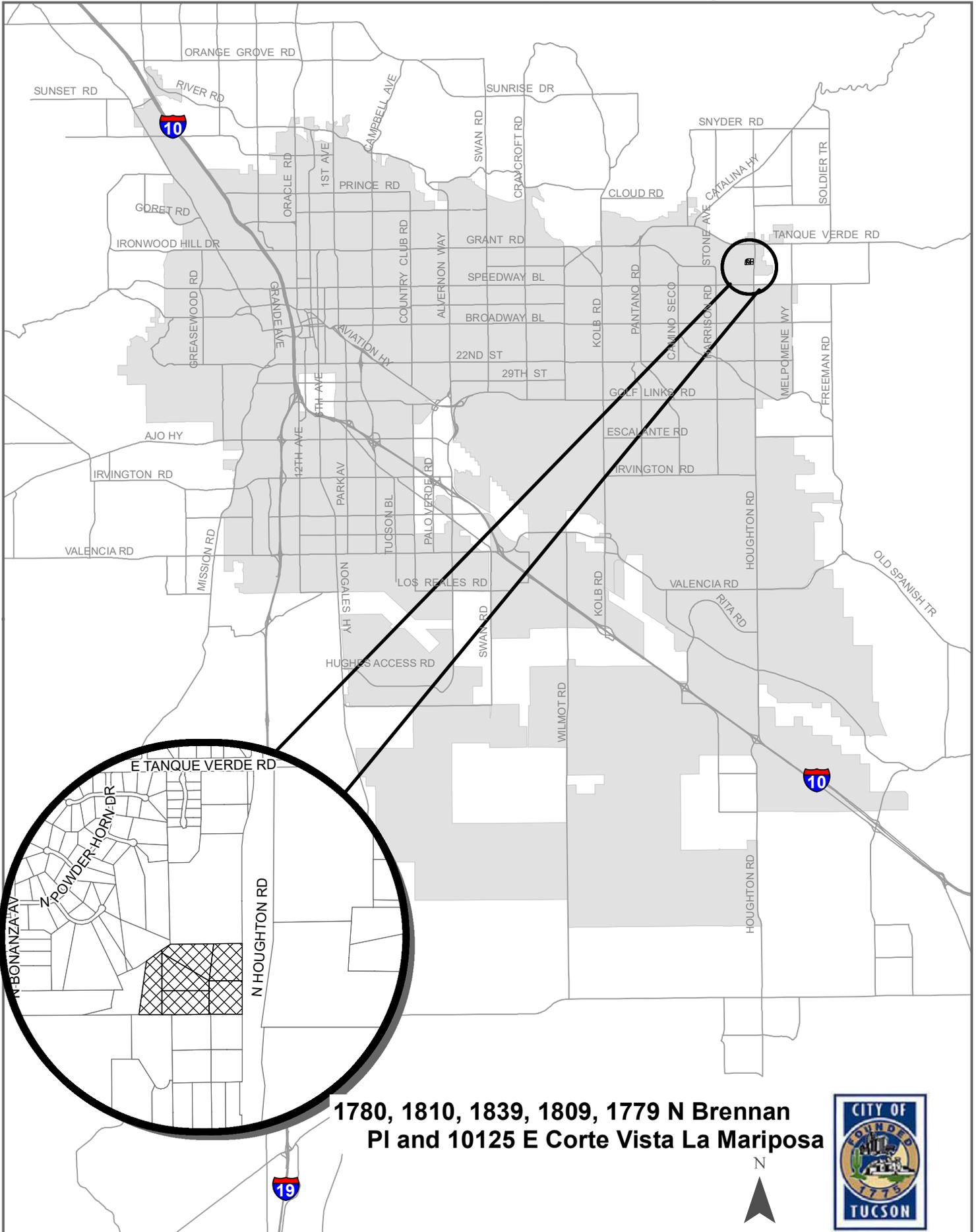
ATTACHMENTS:

Case Location Map

Zoning Case Map

cc: Mayor and Council

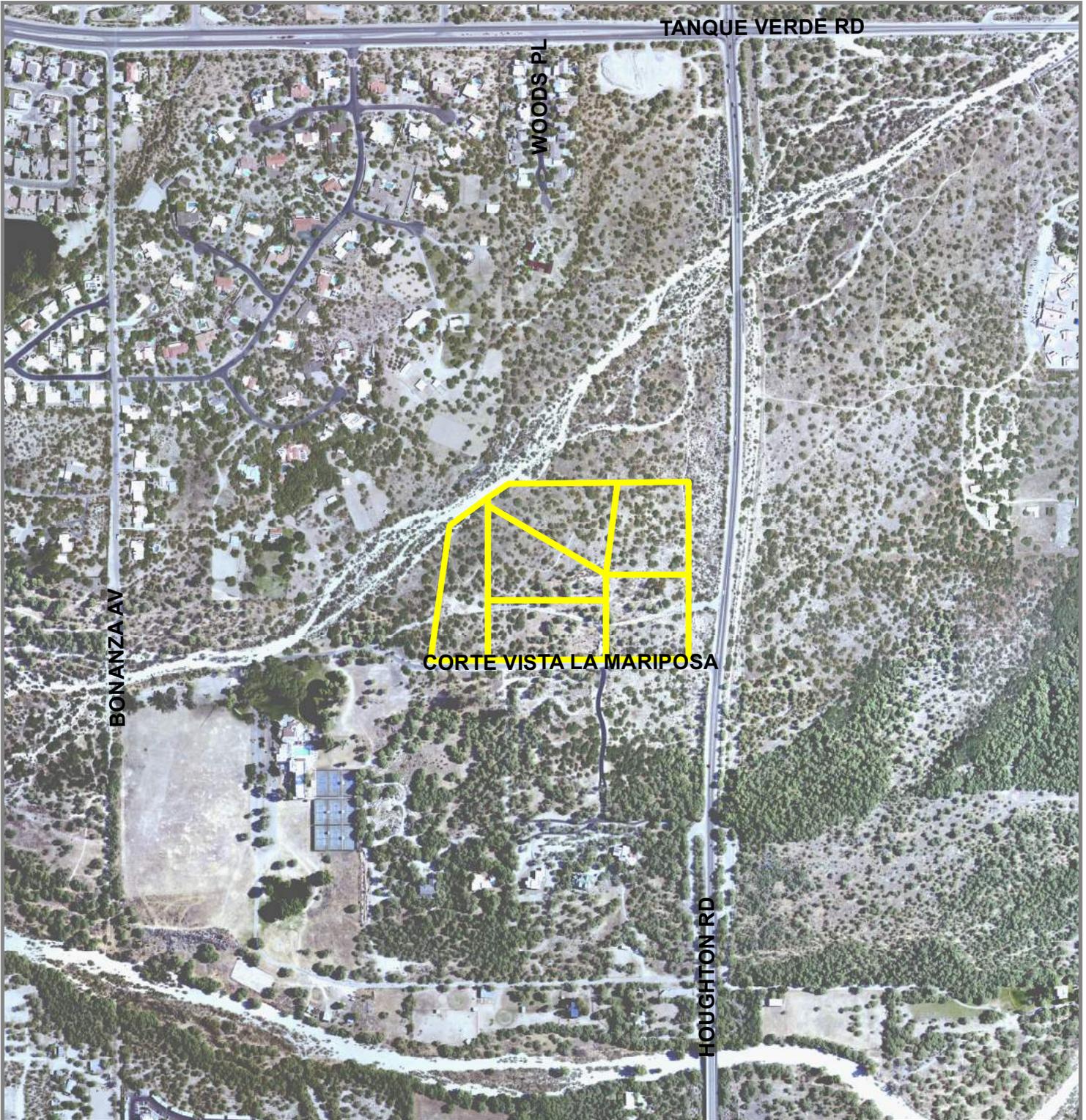
C9-21-20 Casitas at La Mariposa - Houghton Rd



**1780, 1810, 1839, 1809, 1779 N Brennan
Pl and 10125 E Corte Vista La Mariposa**



**C9-21-20 Casitas at La Mariposa - Houghton Rd
Rezoning Request: From SR to R-2**



Area of Rezoning (SR to R-2)

Address: 1780, 1810, 1839, 1809, 1779 N Brennan
PI and 10125 E Corte Vista La Mariposa
Base Maps: Twp. 14S Range 15E Sec. 02
Ward: 2



0 320 640 Feet
1 inch = 631.643325 feet





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The Public Meeting Minutes for case C9-21-20 (Casita Village at La Mariposa) will be sent upon receipt.