



Town of Oro Valley
Community Development and Public Works

Date: November 8, 2017

Subject: Zoning Interpretation – Yards and Setbacks requirements when adjacent to residentially zoned property (OV1702450)

REQUEST

A zoning interpretation (Attachment 1) was filed by Mr. Hank Amos, “the applicant”, regarding the applicability of Tech Park (T-P) yards and setbacks requirements for lots that abut residential districts. More specifically, does the Section 23.8.F.4.b requirement (Side and Rear setbacks) apply to residentially zoned property developed with a legally conforming non-residential use?

APPLICABLE ZONING REFERENCES

The following zoning code sections are relevant to this request:

Section 23.1.A.1 Single-Family Residential Districts

- R1-300 Single-Family Residential District - 300,000 sq. ft. per lot*
- R1-144 Single-Family Residential District - 144,000 sq. ft. per lot*
- R1-72 Single-Family Residential District - 72,000 sq. ft. per lot*
- R1-43 Single-Family Residential District - 43,560 sq. ft. per lot*
- R1-36 Single-Family Residential District - 36,000 sq. ft. per lot*
- R1-20 Single-Family Residential District - 20,000 sq. ft. per lot*
- R1-10 Single-Family Residential District - 10,000 sq. ft. per lot*
- R1-7 Single-Family Residential District - 7,000 sq. ft. per lot*

Section 23.8.F.4 Yards and setbacks

a. Front Yard: A ratio of three to one (3:1) shall be used. For buildings less than a height of twenty-five (25) feet, a ratio of two to one (2:1) will be permitted.

b. Side and Rear Setbacks

Fifty (50) feet or a three to one (3:1) ratio (setback to building height), whichever is greater, where the lot abuts a residential district or abuts an alley that is adjacent to a residential district.

Oro Valley, it's in our nature.

BACKGROUND INFORMATION

The applicant intends to rezone the subject property (Parcel 225-11-295A) depicted in Attachment 2, from R1-144 to Technological Park (T-P) zoning district.

The subject property abuts a residential district (R1-144) along its western and northern boundaries. However, the abutting property to the west (Parcel 225-11-2940), though zoned residential, has been developed as the Town of Oro Valley Aquatic Center and associated parking, a non-residential use.

INTERPRETATION

The intent of the Technological Park (T-P) yards and setbacks requirement is to provide adequate separation between T-P uses and any existing or future residential development. Uses permitted in the T-P zoning district can potentially impact surrounding properties. As such, ample setbacks are required to be incorporated into the site design.

The subject property is bounded on two borders (north and west) by the R1-144 residential district. This interpretation addresses the T-P yards and setbacks requirement for both properties as follows:

1. Property to the west (Parcel 225-11-2940)

In this specific instance, the adjacent property to the west, though zoned as a residential district, was developed with non-residential uses (Town of Oro Valley Aquatic Center and associated parking). The intent of the yards and setbacks requirement of the T-P zoning district (e.g. separation from residential uses) does not apply to residentially zoned property that has been developed with non-residential uses. Therefore, the side and rear setbacks will be 50 feet.

2. Property to the north (Parcel 225-11-296A)

This parcel is zoned as a residential zoning district and is currently undeveloped. Residential uses could be developed on this site in the future. As such, should this property not be included in the proposed rezoning of the subject property, the Yards and setbacks requirements of Section 23.8.F.4 will apply.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Planning and Zoning Administrator

11/8/17
Date

Oro Valley, it's in our nature.

RECEIVED
OCT 06 2017



TOWN OF ORO VALLEY
COMMUNITY DEVELOPMENT & PUBLIC WORKS DEPARTMENT
11000 N. LA CAÑADA DRIVE, ORO VALLEY, AZ. 85737
PHONE: (520) 229-4800 FAX: (520) 742-1022
www.orovalleyaz.gov

BY:

1.2 GENERAL APPLICATION FORM

Office Use Only
OV Case #: 0V1702950

Application Type:

- | | |
|---|--|
| <input type="checkbox"/> Major General Plan Amendment | <input type="checkbox"/> Pre-Application |
| <input type="checkbox"/> Rezoning/PAD Amendment | <input type="checkbox"/> Zoning Verification |
| <input type="checkbox"/> Planned Area Development | <input type="checkbox"/> Sign Criteria |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Sign - PAD Exemption |
| <input type="checkbox"/> Zoning Code Amendment | <input type="checkbox"/> Master Sign Program |
| <input type="checkbox"/> Conceptual Site Plan | <input type="checkbox"/> Communication Facility - Tier 1 and 2 Minor |
| <input type="checkbox"/> Conceptual Public Art | <input type="checkbox"/> Communication Facility - Major |
| <input type="checkbox"/> Conceptual Architecture | <input type="checkbox"/> Revised Development Plan |
| <input type="checkbox"/> Final Site Plan | <input checked="" type="checkbox"/> Other <u>ZONING INTERPRETATION</u> |
| <input type="checkbox"/> Conceptual Landscape Plan | |
| <input type="checkbox"/> Final Plat | |

Subject Property Information:

Address: 9255 N. ORACLE RD., ORO VALLEY Parcel/Tax Code: 225-11-295A
 Subdivision / Commercial Center Name: _____
 Book / Page or Sequence Number: 6179 Lot Number(s) _____
 Legal Description: LINDA VISTA CITRUS TRACTS
NO. 2 PTN LOT 52 LYGN & ADJ TUC - FLORENCE - HWY
 Section/Township/Range: 24/12/13E Area of Property: 5.785 ACRES
 Existing Land Use: R1-144 (VACANT) Proposed Land Use: _____
T-P (SELF STORAGE)

Applicant Information:

* If more than one, attach list

Applicant*:

Name: HANK AMOS Firm: 1st DEFENSE SELF-STORAGE, LLC
 Address: 333 N. WILMOT RD., STE 340 City: TUCSON State: AZ Zip: 85711
 Telephone: 520-331-5151 Fax: _____ Email: hank@tucsonreality.com

Property Owner(s) if different from Applicant*:

Name: CCN INVESTMENTS, LLC Firm: ALBERT MOUSSA
 Address: 6419 N. MIRAMIST WAY City: TUCSON State: AZ Zip: 85750
 Telephone: 520-358-7006 Fax: _____ Email: amoussa55@gmail.com

Consultant*: ARCHITECT (Discipline)

Name: DORSET PAGE (SKIP) Firm: _____
 Address: 2102 N. COUNTRY CLUB #9 City: TUCSON State: AZ Zip: 85716
 Telephone: 520-906-4872 Fax: 520-798-3341 Email: rpagearch@cox.net

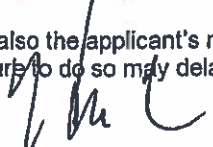
Project Description/Narrative: (SEPARATE SHEET PREFERRED)

SEE ATTACHED SHEET(S)

OP-20-1110
I hereby certify that I have read and examined this application and know the same to be true and correct. I am the owner of the property or the Owner's authorized representative, and if not the owner, I have obtained the owner's permission to perform stated work. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The approval of this application does not presume to give authority to violate or cancel the provisions of any other federal, state or local law for which this project may be subject to.

Notice: It is the applicant/owner's responsibility to ensure all private rules and regulations (such as Covenants, Conditions & Restrictions (CC&R's)) of the subdivision and/or commercial center are adhered to. Contact your Home Owners Association or property management to determine applicable requirements.

It is also the applicant's responsibility to coordinate with all outside agencies to secure their acceptance or clearance. Failure to do so may delay issuance of permits. See attached list of agencies.



HANK AMOS

10/6/17

Applicant's Signature

Print Name
Date

Important Note: All submittals received after 4:00 p.m. will be processed the next day

Submittals will be rejected if:

- There are missing items on the checklist unless otherwise approved by Planning and Zoning Administrator or Town Engineer.

Hank Amos

I am hereby formally requesting an Interpretation to the following:

"4. Yards and Setbacks

b. Side and Rear Setbacks

Fifty (50) feet or a three to one (3:1) ratio (setback to building height), whichever is greater, where the lot abuts a residential district or abuts an alley that is adjacent to a residential district."

as it relates to the subject property (the NW corner of Calle Concordia and Oracle Rd) and how it would apply since that property sits adjacent to a park which is considered residential, but no housing units are located there.

Thank you,
Hank Amos