



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

April 3, 2015

C15-14-09 Gateway Hacienda Annexation District Original City Zoning Public Hearing: March 19, 2015

BACKGROUND

This is a request by the City of Tucson to establish original city zoning for an annexation district on approximately 7.24 acres of land, located south of the intersection of River Road and Hacienda Del Sol Road. The property consists of vacant undeveloped land. The annexation became effective on January 15, 2015. A total of four parcels are associated with the annexation district. Two of the parcels are held by the Hacienda Professional Office LLC and two held by the CCS Arizona ILLC, as part of the Villas at Hacienda Del Sol Condominium common element and private recreational and landscape areas.

The annexation site is within the boundaries of the *Plan Tucson*, and the *Catalina Foothills Subregional Plan*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer commented that one approval and one protest were received in the formal protest area.

Mike Czechowski presented the rezoning request.

FINDINGS OF FACT

This is a request by the City of Tucson to establish original city zoning for an annexation district on approximately 7.24 acres of land, located south of the intersection of River Road and Hacienda Del Sol Road. The property consists of vacant undeveloped land. The annexation became effective on January 15, 2015. A total of four parcels are associated with the annexation district. Two of the parcels are held by the Hacienda Professional Office LLC and two held by the CCS Arizona ILLC, as part of the Villas at Hacienda Del Sol Condominium common element and private recreational and landscape areas.

The creation of original city zoning upon annexation requires that zoning be translated from existing county zoning to the closest comparable city zoning designation. Existing Pima County zoning for the site is TR. The closest comparable translation to City of Tucson zoning is O-3.

Current Pima County TR zoning allows high density residential, office, and some commercial uses. City of Tucson O-3 Office Zone allows mid-rise, office, medical, civic, and other development uses that provide reasonable compatibility with adjoining residential uses.

**C15-14-09 Hacienda Gateway Original City Zoning
Rezoning: TR to O-3**

To the north of the rezoning area is single family residential development, zoned Pima County CR-1. To the south is single family residential development zoned City SR, as well as city park land and the Rillito River. To the east is a school and single family residential development, zoned Pima County SR. To the west is a multi-family residential and medical/office condominium, zoned R-3 and O-3.

Within the City of Tucson, River Road is identified as a scenic arterial street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 150 feet. Therefore, the Original City Zoning includes designation of that portion of River Road lying within the annexation district extends the *Major Streets and Routes Plan* designation for River Road.

The annexation site is within the boundaries of the *Plan Tucson*, and the *Catalina Foothills Subregional Plan*. The request to establish original city zone from Pima County TR to City O-3 is consistent with the *Plan Tucson* direction, which recognizes that the long-term prosperity and vitality of the city is focused on positive infrastructure expansion, and providing for a rational pattern of land development. The *Plan Tucson* supports pursuing annexation with the ultimate goal of having urban commercial and residential areas located within incorporated city limits. The proposed original city zone supports office and medical development that will contribute to Tucson's overall economic vitality and community character.

The *Catalina Foothills Subregional Plan* reflects the subject annexation district area near the Rillito River to include rezoning considerations of the Natural and Cultural Resources Policies, including the Regional Trail System, River Parks, and Archaeological and Historic Preservation. The request provides an opportunity to add the Pima County approved development plan site for medical office use into the City of Tucson that will contribute to the City's economic vitality and community character.

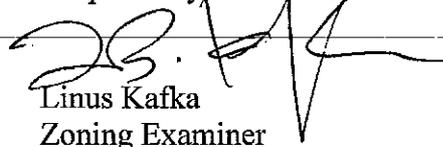
CONCLUSION

The establishment of original City zoning for these four parcels, translating from County TR to City O-3 zoning, is supported by the policies in the *Plan Tucson* and the *Catalina Foothills Subregional Plan*. The *Major Streets and Routes Plan*, Scenic Route designation for River Road will extend that portion of River Road lying within the annexation district. Approval of the proposed translation OCZ zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of O-3 zoning.

Respectfully Submitted,


Linus Kafka
Zoning Examiner

**C15-14-09 Hacienda Gateway Original City Zoning
Rezoning: TR to O-3**

ATTACHMENTS:

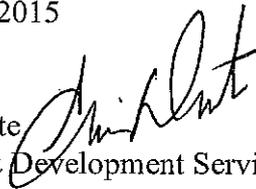
Public Hearing Minutes
Rezoning Staff Report



MEMORANDUM

DATE: February 13, 2015
March 19, 2015

TO: Linus Kafka
Zoning Examiner

FROM: Ernie Duarte 
Planning & Development Services
Director

SUBJECT: REZONING: PLANNING & DEVELOPMENT SERVICES REPORT
ESTABLISHMENT OF ORIGINAL CITY ZONING
C15-14-09 Gateway Hacienda Annexation District,
County TR to City O-3 (Ward 3)

Issue – This is a request by the City of Tucson to establish Original City Zoning on approximately 7.24 acres of land recently annexed by the City of Tucson. Establishment of Original City Zoning requires that the property be rezoned. The rezoning site is located south of the intersection of River Road and Hacienda Del Sol Road (see Case Location Map). The property consists of vacant undeveloped land. The request includes a pre-annexation and development agreement with development approval (See Exhibit B).

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of O-3 zoning as the Original City Zoning, and extension of the Major Streets & Routes, scenic arterial street designation on River Road.

Background Information

Annexation History – Mayor and Council adopted Ordinance No. 11231, annexing the Gateway Hacienda Annexation District on December 16, 2014. The annexation became effective on January 15, 2015.

Existing Land Use: Vacant undeveloped land

Surrounding Zones and Land Uses:

North: Zoned CR-1 (Pima County); single family residential
South: Zoned SR; single family residential, City Park, and Rillito River
East: Zoned SR (Pima County) Private School, single family residential
West: Zoned R-3 and O-3; multi-family residential and medical office/condominiums

Previous Cases on the Property:

Pima County rezoning case Co9-12-02, Gateway Hacienda LLC – River Road Rezoning. This was a rezoning case to change zoning from SR to TR, Ordinance Number 2012-74, adopted on December 18, 2012 by the Pima County Board of Supervisors. A development plan for Hacienda at the River was approved by Pima County on March 13, 2014, Activity Number P1212-051.

Related Cases:

C15-97-06: Original City Zoning Hacienda Del Rio II Annexation District.

The property comprised approximately 9.3 acres of land. The rezoning site is located on the southwest corner of the intersection at River Road and Hacienda Del Sol Road. The County zoning was SR, with the translated City zoning of SR zone and extending the Scenic Route designation for River Road within the annexation district.

Zoning Translation - Arizona State law provides the Original City Zoning must be applied to recently annexed property within 6 months of annexation. The Original City Zoning may not allow uses or densities greater than those permitted under the existing County zoning. Consistent with State law and Mayor and Council policy, staff translates the Pima County zoning to the most comparable City zoning, thereby allowing uses and densities equivalent to what was allowed under County zoning.

The Pima County TR zone and the City of Tucson O-3 zone are comparable. The completed translation of County zones to City zones is summarized below.

County TR: Residential Zone allows high density residential, office, and some commercial uses.

City O-3: Office Zone allows mid-rise, office, medical, civic, and other development uses that provide reasonable compatibility with adjoining residential uses.

Scenic Route: Within the City of Tucson, River Road is identified as a scenic arterial street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 150 feet. Therefore, the Original City Zoning includes designation of that portion of River Road lying within the annexation district extends the *Major Streets and Routes Plan* designation for River Road.

PIMA COUNTY ZONING	CITY TRANSLATION	CITY OVERLAY ZONES
TR	O-3	Major Streets & Routes Plan Scenic Route

Planning Considerations

The proposed annexation district is situated on 7.24 acres immediately south of the River Road and Hacienda Del Sol Road intersection. The annexation district consists of generally vacant and common area parcels. The request is the establishment of original city zoning from Pima County TR (County Transitional) to City O-3 (City Office).

A total of four parcels are associated with the annexation district. Two of the parcels are held by the Hacienda Professional Office LLC and two held by the CCS Arizona I LLC, as part of the Villas at Hacienda Del Sol Condominium common element and private recreational and landscape areas. *not held by*

The annexation site is within the boundaries of the *Plan Tucson*, and the *Catalina Foothills Subregional Plan*. The request to establish original city zone from Pima County TR to City O-3 is consistent with the *Plan Tucson* direction, which recognizes that the long-term prosperity and vitality of the city is focused on positive infrastructure expansion, and providing for a rational pattern of land development. The *Plan Tucson* supports pursuing annexation with the ultimate goal of having urban commercial and residential areas located within incorporated city limits. The proposed original city zone supports office and medical development that will contribute to Tucson's overall economic vitality and community character.

The *Catalina Foothills Subregional Plan* reflects the subject annexation district area near the Rillito River to include rezoning considerations of the Natural and Cultural Resources Policies, including the Regional Trail System, River Parks, and Archaeological and Historic Preservation. The request provides an opportunity to add the Pima County approved development plan site for medical office use into the City of Tucson that will contribute to the City's economic vitality and community character.

Conclusion – The establishment of original City zoning for these four parcels, translating from County TR to City O-3 zoning, is supported by the policies in the *Plan Tucson* and the *Catalina Foothills Subregional Plan*. The *Major Streets and Routes Plan*, Scenic Route designation for River Road will extend that portion of River Road lying within the annexation district. Approval of the proposed translation OCZ zoning is appropriate.

Case: C15-14-09 Establish Original City Zoning,
Gateway Hacienda Annexation District;
Translation from Pima County TR to City of Tucson O-3,
and extension of the Major Streets and Routes (Scenic) overlay
City of Tucson Zoning Examiner Public Hearing 03/19/15

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Glenn Moyer, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: - things to order, and maybe I'll
2 get a thumbs-up that we're recording, or just a shout from the
3 back room. We're good. Okay. I'll go through my usual
4 preliminaries, and then hear the Staff reports.

5 Good evening. My name is Linus Kafka, and I'm the
6 Zoning Examiner for the City of Tucson. I conduct rezoning
7 hearings on behalf of the Mayor and Council and make findings of
8 fact which I put into a report, along with my recommendation
9 which I then send along to the Mayor and Council.

10 My report will be based on the evidence submitted to me
11 as part of the rezoning application, as well as on testimony
12 taken tonight. A tape recording is being made of tonight's
13 testimony by the City Clerk's Office, and a transcript will be
14 prepared.

15 I'll prepare a preliminary report and a final report.
16 After I close the hearing, I'll prepare a preliminary report
17 within five working days. I'll prepare a final report two weeks
18 after the close of this public hearing.

19 For those of you who wish to receive a copy of my
20 preliminary report and you're not already a principal listed on
21 the case, please fill out one of the orange cards on the podium.

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1 A copy of the final report will be available from the Planning &
2 Development Services Department, and I'll send that report along
3 to the Mayor and Council. They may consider my recommendation,
4 along with other factors, and make their decision on that.

5 At the start of the hearing, I'd like to have Mr. Glenn
6 Moyer of the Planning & Development Services Department, seated
7 to my right, give me a presentation on the case. After that,
8 I'll have the Applicant come up to present the case. And after
9 the Applicant presents, I'll call up anybody else wishing to
10 speak on some relevant issue in the case.

11 Since I cannot have any communications with parties
12 involved in this case, now is the time to speak. If you wish to
13 speak tonight, please make sure to print your name and address
14 clearly on the sign-in sheet, and I'll also ask you to announce
15 your name and address for the record when you come up to testify.

16 At this time, I'd like to swear in those wishing to
17 speak this evening. So if those of you wishing to speak this
18 evening would please stand and raise your right hands. Do you
19 swear or affirm to tell the truth, the whole truth, and nothing
20 but the truth?

21 (Affirmative.)

22 ZONING EXAMINER: All right. Thank you.

23 First case on the agenda this evening - actually, Mr.
24 Czechowski, you'd requested a change in the lineup of today's

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1 cases. Is that still -

2 MR. CZECHOWSKI: Yes, sir. (Inaudible)

3 ZONING EXAMINER: All right. Is that okay with Staff?

4 MR. MOYER: No objection.

5 ZONING EXAMINER: All right. So calling out of order

6 from the agenda, we're gonna call first Case No. C15-14-09

7 Establishment of Original City Zoning, Gateway Hacienda

8 Annexation District; Translation from Pima County TR to City of

9 Tucson O-3, and extension of Major Streets and Routes (Scenic)

10 overlay. Mr. Moyer.

11 MR. MOYER: This is a request by the City of Tucson to
12 establish original City zoning on approximately 7.24 acres of
13 land recently annexed by the City of Tucson.

14 Establishment of original City zoning requires that the
15 property be rezoned. The rezoning site is located on the south -
16 located south of the intersection of River Road and Hacienda Del
17 Sol.

18 Property consists of vacant undeveloped land. The
19 request includes a pre-annexation development agreement. There
20 is a prior case in Pima County, C09-12-12 Gateway Hacienda LLC,
21 River Road Rezoning. This was a rezoning case to go from S- --
22 County SR to County TR adopted December 18th, 2012, by the Pima
23 County Board of Supervisors. The Development Plan for Hacienda
24 at the river was approved by Pima County on March 13, 2014.

Case: C15-14-09 Establish Original City Zoning,
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1 The Arizona State law provides original City zoning
2 must be applied to recently annexed property within six months.
3 Original City zoning may not allow uses or densities that are
4 greater than those permitted under the existing County zoning.
5 The existing County TR zone translates to City O-3, and River
6 Road is identified as a Major Street and Route, Scenic Route.

7 There's a total of four parcels. Establishment of
8 original City zoning for these four parcels and translating the
9 County TR to O-3 zoning is supported by the policies of Plan
10 Tucson and the Catalina Foothills Subregional Plan.

11 And the Major Streets and Routes, Scenic Route
12 designated for River Road will extend that portion River Road
13 lying within the annexation district. That will extend the
14 scenic route designation to that portion lying within the
15 district.

16 Approval of the proposed translation zoning is
17 appropriate. As of today, the Planning & Development Services
18 Department has received one approval and one protest. The one
19 protest is outside the 150-foot protest area resulting in a
20 protest by area of zero percent in all four directions.

21 ZONING EXAMINER: All right. Thank you. And the
22 translation from TR to O-3 is so comparable as to not require any
23 distinction in density or use?

24 MR. MOYER: The TR is the closest comparable zoning and

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1 it is City policy not to place conditions on zoning, on original
2 City zoning.

3 ZONING EXAMINER: On original City zoning. Okay.

4 All right. Thank you. Mr. Czechowski, anything you'd like to
5 add?

6 MR. CZECHOWSKI: No. I -

7 ZONING EXAMINER: All right.

8 MR. CZECHOWSKI: - think we're great.

9 ZONING EXAMINER: Mr. Portner, anything you'd like to
10 add?

11 MR. PORTNER: Just to clarify. I'm representing
12 (Inaudible) Hacienda Tucson, LLC. Jim Portner is my name.

13 Just to clarify, on page three, it says that two of the
14 parcels are actually owned by Hacienda Professional Office.
15 That's - only one of them is, and the other is owned by my
16 client, (Inaudible) Hacienda Tucson. Very minor point.

17 I just wanted to clarify and just - I know we're all on
18 the same page, but this is a, kind of a unusual one that we're
19 bringing it over after having gotten all of our approvals, all
20 our plans approved in the City, then bringing - or in the County,
21 then bringing it over to the County.

22 So it's my understanding somehow on the record and this
23 whole translation process is what's referenced in our annexation
24 agreement which is all of those approved plans coming over as is

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1 and being honored by the City.

2 I don't know if that's attendant to specifically the
3 zoning translation, or whether that's a separate animal
4 altogether. But to us, it's a, it's a whole package. So that's
5 the way we see this, and I just wanted to put that on the record.

6 ZONING EXAMINER: Okay. Thank you. I think the
7 annexation agreement is part of the record. I don't think it's
8 part of the rezoning, but the translational rezoning would be to
9 the closest comparable rezo- -- comparable rezoning, and any of
10 the obligations or rights that you had under the County are
11 translated as well to that is my understanding. All right. Is
12 that your understanding, Mr. Czechowski?

13 MR. CZECHOWSKI: That's correct.

14 ZONING EXAMINER: And that's your understanding, Mr.
15 Moyer?

16 MR. MOYER: Yes, Mr. Kafka. The existing approvals are
17 part of the zoning.

18 ZONING EXAMINER: All right. Thank you. Anybody else
19 wishing to speak on Case No. C15-14-09 Gateway Hacienda
20 Annexation District? Seeing no one, Case No. C15-14-09 is hereby
21 closed. All right. Thank you.

22 (Case No. C15-14-09 was Closed.)

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I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 03/27/15



KATHLEEN R. KRASSOW - Owner
M&M Typing Service