



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

December 29, 2016

**C15-16-02 Bryson Annexation District
Original City Zoning
County SR zone to City SR zone**

BACKGROUND

This is a request by the City of Tucson to establish Original City Zoning on approximately 0.39 acres of land recently annexed by the City of Tucson. Establishment of Original City Zoning requires that the property be rezoned from the Pima County SR zone to the City SR zone.

The rezoning site is located on the south side of Speedway Boulevard approximately 1,000 feet east of Houghton Road. The annexation district currently consists of a single parcel owned by Bryson Family Trust.

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. State law and Mayor and Council policy require the translation from the County zoning to the most comparable City zoning with the intent to allow uses and densities equal to those allowed under County zoning.

The annexation site is within the boundaries of *Plan Tucson* the *Houghton East Area Plan (HEAP)*, and the *Catalina Foothills Subregional Plan*, which provide land use policy direction to the subject property.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the December 15, 2016 public hearing, it was announced that there were no written approvals or protests and City staff representing the application was the only speaker.

FINDINGS OF FACT

Land Use Plans - Plan Tucson, the *Houghton East Area Plan (HEAP)*, and the *Catalina Foothills Subregional Plan*, provide land use policy direction to the subject property. *Plan Tucson* identifies the property as a *Potential Annexation Area*. The *HEAP* residential policies require that new residential development be compatible with the natural environment and integrated into the natural terrain, to ensure sensitivity to the surroundings. The *Catalina Foothills Subregional Plan* supports development considerations of scenic resources and open space protection, preservation of washes, wildlife habitat, and trails.

C15-16-02 Bryson Annexation District Original City Zoning

Major Streets and Routes Plan – The site is on the south side of Speedway Boulevard east of Houghton Road. Within the City of Tucson, this portion of Speedway Boulevard and Houghton 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 200 feet.

Speedway Boulevard is designated as a Scenic Route within Pima County and meets the Scenic Route criteria outlined in the City's *Major Streets and Routes Plan*. Therefore, the Original City Zoning includes designation of that portion of Houghton Road lying within the annexation district as a Scenic Route and extends the *Major Streets and Routes Plan* designation to Speedway Boulevard.

Floodplain Issues - At this time, it does not appear an *Environmental Resource Zone (ERZ)* is required. However, the property will be subject to City floodplain regulations.

CONCLUSION

The establishment of Original City Zoning for the subject property, translating from Pima County's SR zone to the City's SR zone is supported by the applicable land use plans. Speedway Boulevard next to the site should be designated on the *Major Streets and Routes Plan* as a scenic arterial.

RECOMMENDATION

The Zoning Examiner recommends approval of the SR zoning as the Original City Zoning, and the extension of the *Major Streets and Routes Plan* and *Scenic Corridor Zone* designations for Speedway Boulevard.

Respectfully Submitted,



Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Rick Guerra, City Recording Clerk

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1 ZONING EXAMINER: This is - the time is 6:07 P.M. This is
2 the Zoning Examiner hearing of December 15th, 2016. My name is Jim
3 Mazzocco, and I'm the Zoning Examiner for the City of Tucson. I
4 conduct special exception hearings and rezoning hearings on behalf of
5 the Mayor and Council, and make findings of fact.

6 In the case of rezonings, I prepare a report, along with a
7 recommendation which I then send on to Mayor and Council. In the case
8 of special exceptions, I render a decision. So, for special
9 exceptions, after I close the hearing, I'll prepare a decision within
10 five working days. If I do not close the public hearing this evening,
11 I will continue it to a date not more than 30 days from now.

12 In my decision, I will recommend approval, approval with
13 conditions or denial of the application. I'll mail the Notice of
14 Decision on an application within three days after I render my
15 decision. The Notice of Decision will be mailed to the Applicant and
16 all persons who request the notice.

17 My decision may be appealed by a party of record to the
18 Mayor and Council in accordance with the Unified Development Code,
19 Section 3.4.3-J, by submitting a Notice of Intent to Appeal to the
20 City Clerk within 14 days from the date of the decision, with a copy
21 delivered to the Planning & Development Services Department. The
22 complete appeal materials must be filed within 30 days of the
23 decision.

1 An Applicant may request a change in a condition of
2 approval of a special exception land use. The request shall be
3 reviewed by staff for recommendation to me. The request shall then be
4 considered at a public hearing in accordance with Unified Development
5 Code Section 3.9.2.

6 So, tonight we have both special exceptions and rezonings.
7 So, in the case of rezonings, I will prepare a preliminary report and
8 a final report. After I close the public hearing, I'll prepare a
9 preliminary report within five working days. I will prepare a final
10 report two weeks after the close of this public hearing.

11 For those of you who wish to receive a copy of my
12 preliminary report, and you're not already a principal listed on the
13 case, please fill out one of the orange cards on the podium. And I
14 notice people have been filling them out, so, you're ahead of me on
15 that.

16 A copy of the final report will be available from the
17 Planning & Development Services Department, and I'll send that report
18 to the Mayor and Council. They may consider my recommendations, along
19 with factors - other factors and make their decision.

20 A little about procedure. At the start of the hearing I'll
21 request the Staff give a background report - presentation on this
22 case. After that, I'll ask the Applicant to come and present the
23 case. After the Applicant presents, those wishing to speak in favor
24 of the case may be called up, followed by those in opposition.

1 Then, I'll call anyone who may not have a position, but
2 wishes to speak on some relevant issue related to the case. I'll
3 allow the Applicant up to 20 minutes to present their case, and every
4 other speaker to about five minutes to provide the information on the
5 case.

6 If you wish to speak tonight, please print your name and
7 address very clearly on the sign-in sheet which most of you've already
8 done, and that makes this a little bit more efficient. I want to make
9 sure I can properly associate a name with testimony so the record is
10 accurate. I'll ask you to announce your name and address clearly for
11 the record, and the Recording Clerk and for my notes.

12 At this time, I'd like to swear in those wishing to speak
13 this evening. Even if you are not thinking about speaking tonight,
14 you may want to do so as the hearing goes on, and so it does not harm
15 to take the oath as well.

16 For your information, I cannot have any communication with
17 parties involved in this case, or these cases. Now is the time to
18 speak. With that in mind, will you please now stand for the oath and
19 raise your right hand. Do you swear or affirm to tell the truth, the
20 whole truth, and nothing but the truth?

21 (Affirmative.)

22 ZONING EXAMINER: Thank you. Okay. One more thing on
23 decorum. Only people that I recognize may speak. I do not take
24 questions or comments from the audience. To speak, you must be sworn
25 in and at the podium. I may call individuals back to the podium to

1 address particular issues. With that, I'm going to move to the first
2 case which is C15-16-02 Bryson Annexation District. John Beall,
3 please give the report.

4 MR. BEALL: This is a request by City of Tucson to
5 establish original City zoning on approximately 0.39 acres of land
6 recently annexed by the City of Tucson. Establishment of original
7 City zoning requires that the property be rezoned from County SR zone
8 to City SR zone.

9 The rezoning site is located on the south side of Speedway
10 Boulevard approximately 1,000 feet east of Houghton Road. The
11 annexation district currently consists of one small parcel owned by
12 Bryson Family Trust.

13 Mayor and Council adopted Ordinance No. 11378 annexing the
14 Bryson Annexation District on July 6th, 2013. The annexation became
15 effective on August 5th, 2016. Original City zoning is to be
16 established by February 5th, 2017.

17 The establishment of original City zoning for this parcel
18 with translation from County SR to City SR zoning and translation of
19 applicable overlay zones is supported by Plan Tucson, the Houghton
20 East Area Plan, and the Catalina Foothills Sub-Regional Plan.

21 Approval of the requested SR zoning is appropriate. As of
22 to date, 12/15/16, there have been zero approvals and zero protests.

23 ZONING EXAMINATIOIN. Okay. Thank you, John. May we have
24 the Applicant step forward.

25 MR. CZECHOWSKI: Thank you, Mr. Mazzocco.

1 ZONING EXAMINER: Just name and address for the record.

2 MR. CZECHOWSKI: Mike Czechowski, Annexation Manager for
3 the City of Tucson.

4 ZONING EXAMINER: Okay, Mr. Czechowski, do you have
5 anything else you want to add?

6 MR. CZECHOWSKI: No. Thank you.

7 ZONING EXAMINER: Okay. Are you in agreement with the
8 special conditions?

9 MR. CZECHOWSKI: I am, yes.

10 ZONING EXAMINER: That's a trick question. There aren't -

11 MR. CZECHOWSKI: There are no special conditions.

12 ZONING EXAMINER: Okay.

13 MR. CZECHOWSKI: But I am in agreement with them.

14 ZONING EXAMINER: Okay. Okay. Okay. So, so, that's,
15 that's your presentation. Thank you.

16 MR. CZECHOWSKI: Thank you.

17 ZONING EXAMINER: Okay. Is there anyone who wants to speak
18 in favor of the rezoning? Anyone who wants to speak in protest of the
19 rezoning? Any neutral statements? Okay. I'm seeing none. So,
20 taking the testimony provided and in the documentation and this
21 hearing, this hearing is now closed. And there will be a preliminary
22 report prepared in five days. Thank you, Mr. Czechowski.

23 (Case: C15-16-02 was closed.)

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 reference on page 1 above.

Transcription Completed: 12/27/16

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service