



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

June 11, 2020

C15-20-02 Lucky Levin I, II, & III Annexation District, Kolb & Valencia
County SP to City PAD-26 (Ward 4)
Public Hearing: May 28, 2020

BACKGROUND

This is a request by the City of Tucson to establish Original City Zoning on approximately 204.7 acres of land, consisting of twelve parcels, recently annexed by the City of Tucson. The rezoning site is located on the east side of Kolb Road, south of Valencia Road, and north of the Union Pacific Railroad tracks (see Case Location Map). The property is mostly undeveloped, other than a commercial warehousing use located near the southwest corner of the annexation district adjacent to the Union Pacific Railroad tracks.

ARS Title 9-471.L provides: “A city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land.”

Uniform Development Code (“UDC”) 4.6 provides: “The applicable zoning standards on land annexed into the [City](#), unless otherwise stipulated in the annexation ordinance, shall continue to be the Pima [County](#) zoning standards applicable to the property prior to annexation until such time they are replaced by [City](#) standards. [City](#) zoning standards shall be placed on annexed land within six months of the date of annexation. Zoning standards, [zones](#), overlay [zones](#), and [City Zoning Maps](#) are extended to the annexed land in accordance with Section [3.4.4](#), Mayor and Council Special Exception Procedure.”

The established procedure is to “translate” the County Zoning in place before annexation into the most appropriate City zoning classification. Lawful existing development will be allowed to continue. Property status regarding non-conforming uses and structures will be determined as needed on a case-by-case basis.



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PUBLIC HEARING SUMMARY

May 28, 2020 Zoning Examiner Hearing

The Applicant spoke in support of the original City Zoning at the May 28, 2020 Zoning Examiner hearing. No other person spoke.

As of the date of the May 28, 2020 Zoning Examiner hearing there were no (0) written approvals and no (0) written protests.

FINDINGS OF FACT

Background Information

Existing Land Use: Vacant undeveloped land and a warehousing facility.

Surrounding Zones and Land Uses

North: Zoned PAD-26 (City); Vacant undeveloped land

South: Zoned RH and I-2 (City) and RH (Pima County); Vacant undeveloped land

West: Zoned PAD-26 (City); Vacant undeveloped land and warehousing/industrial storage

East: Zoned SR (City) and CI-2 (Pima County); Vacant undeveloped land and warehousing/industrial storage

ZONING TRANSLATIONS WITH DESCRIPTIONS

County Zone	Zone Description	City Translation	Zone Description
SP	South Kolb Road Specific Plan	PAD-26	Planned Area Development
Airport Environs Zone	Noise Overlay Zone	Airport Environs Zone	AE Noise (NCD A & B)
Airport Environs Zone	Airport Height Overlay Zone	Airport Environs Zone	Airport Hazard District
Airport Environs Zone	Approach Departure Corridor-2	Airport Environs Zone	ADC-2



Zoning Examiner

Major Streets and Routes	Kolb Road: Medium Volume Arterial, 150' ROW	Major Streets and Routes	Kolb Road: Arterial Gateway, 150' ROW
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PLANNING CONSIDERATIONS

Plan policies are not applied to Original City Zoning. Any future rezoning request of the annexed land must be in conformance with adopted land use plans.

CONCLUSION

The establishment of original City zoning within the annexation district translating from County SP zoning to City PAD-26 zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the original City PAD-26 zoning.

Sincerely,

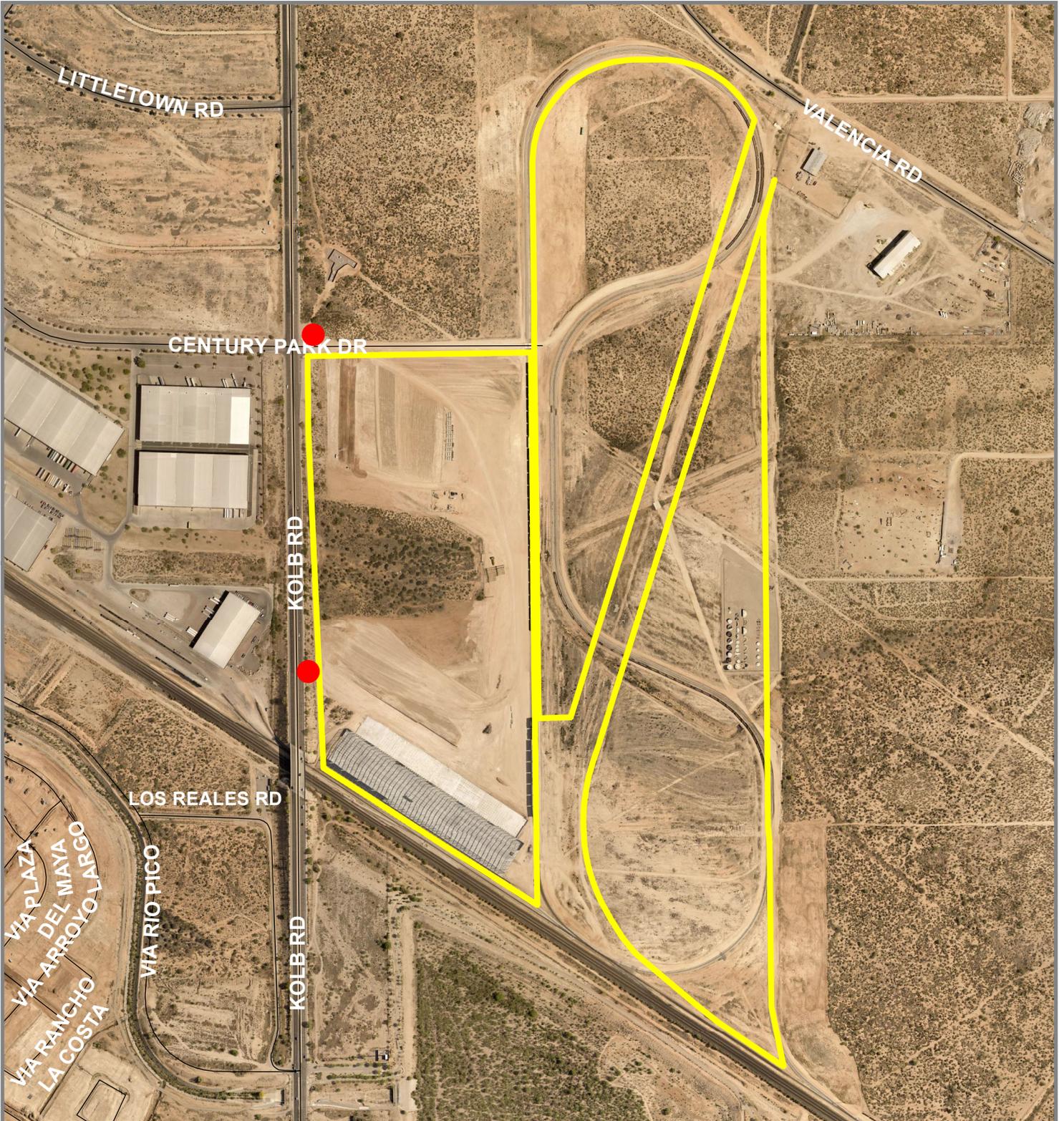
John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Zoning Case Map
Public Hearing Minutes

cc: Mayor and Council

C15-20-02 - Original City Zoning
Lucky Levin I, II, and III Annexation Districts



 Area of Original City Zoning: SH to SH

 Recommended Posting of Public Hearing Notice Sign

Address: 7011 S. Kolb Rd.
Base Maps: Twp.15S Range 15E Sec. 17
Ward: 4

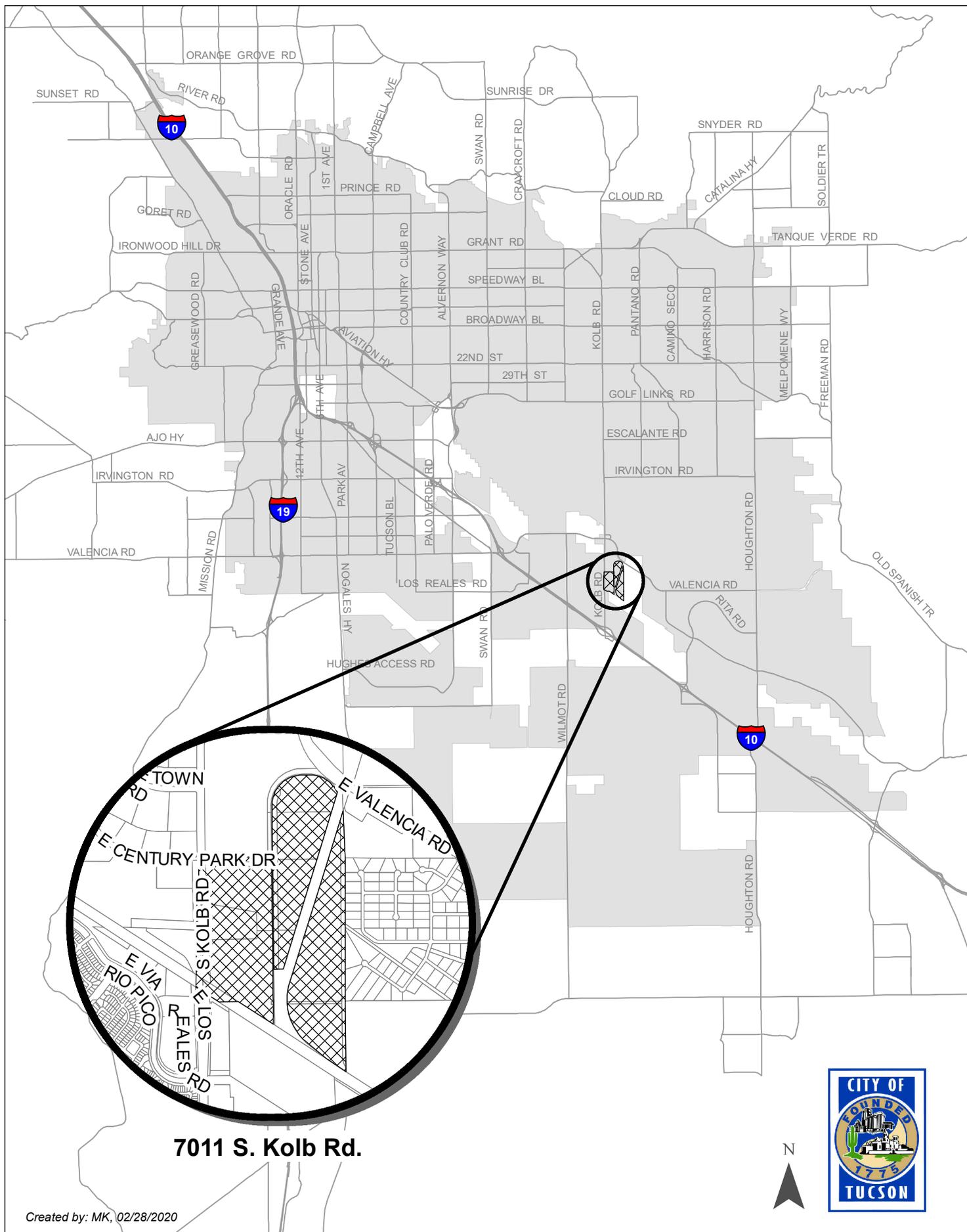


0 370 740 Feet

1 inch = 750 feet



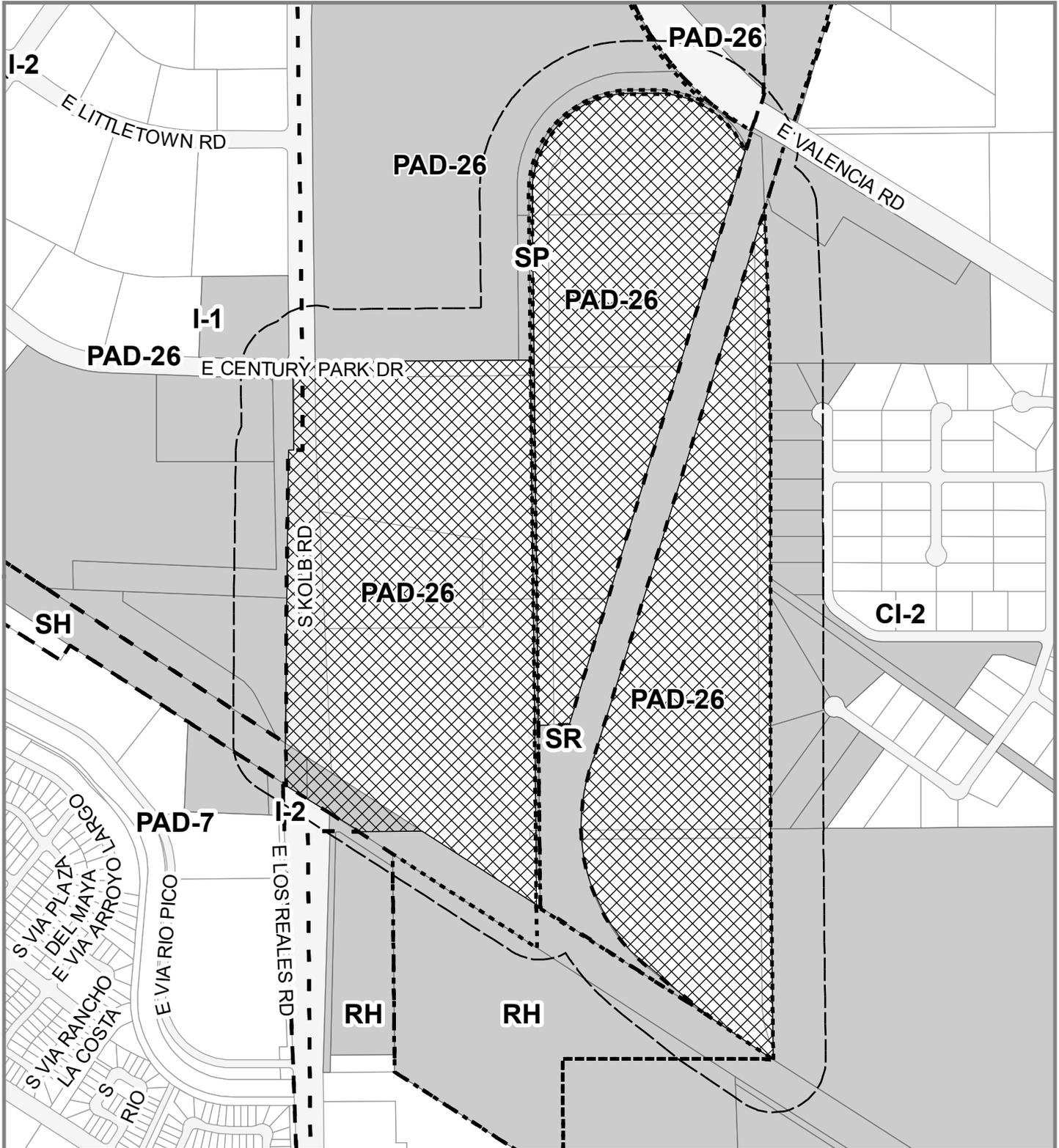
C15-20-02 - Original City Zoning Lucky Levin I, II, and III Annexation Districts



7011 S. Kolb Rd.

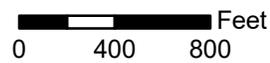
C15-20-02 - Original City Zoning

Lucky Levin I, II, and III Annexation Districts



- Area of Original City Zoning: SP to PAD-26
- Notification Area (300 ft. Radius)
- City of Tucson Zoning
- Pima County Zoning
- Properties Notified

Address: 7011 S. Kolb Rd.
 Base Maps: Twp. 15S Range 15E Sec. 17
 Ward: 4



1 inch = 800 feet



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner
Peter McLaughlin, Planning & Development Services
Recording Electronically Created by GoToMeeting

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1 ZONING EXAMINER: Good evening everyone and welcome to
2 tonight's public hearing. My name is John Iurino and I'm the Zoning
3 Examiner for the City of Tucson. I conduct rezoning hearings on
4 behalf of the Mayor and Council and make findings-of-fact which I put
5 into a report along with my recommendation which I then send on to the
6 Mayor and Council for their consideration and for their final
7 decision.

8 My report will be based on the information submitted to me
9 which includes the rezoning application, the Staff report, all written
10 approvals and protests, all correspondence and the testimony given
11 during the hearing. (Inaudible) appreciate it. Thank you. I will
12 also include in the record all documents submitted to me up to the
13 close of the public hearing.

14 A recording of tonight's testimony is being made. If
15 requested, a transcript will be prepared. With that in mind, I would
16 ask you to please speak clearly if you choose to give testimony
17 tonight, and to begin by stating your name and address.

18 Following the hearing, I complete first a preliminary
19 report within five working days after the close of the public hearing
20 at which time I prepare a final report. The final report will be
21 issued two weeks after the close of tonight's public hearing.

1 For those of you who wish to receive a copy of my
2 preliminary report and are not already a party listed on the case,
3 please send an e-mail to the TucsonRezoning@tucsonaz.gov. Again,
4 that's TucsonRezoning@tucsonaz.gov, or call the Planning &
5 Development Services Department.

6 A copy of the final report will be available from the
7 Planning & Development Services Department, and I send the final
8 report on to the Mayor and Council. At the scheduled public hearing
9 for the case, the Mayor and Council will then vote on the matter based
10 on my recommendations, along with other factors.

11 Tonight's public hearing will proceed in the following
12 manner. I will open the public hearing and ask Mr. John Beall of the
13 Planning & Development Services Department to give a brief
14 presentation at the beginning of each case. After Mr. Beall's
15 presentation, I will ask the Applicant, or the Applicant's
16 representative, to make his or her presentation.

17 I will then ask to hear from anyone in the audience who
18 wishes to speak. I will start by calling on anyone who has sent in an
19 e-mail stating that they wish to give testimony tonight. I will then
20 call on others who have joined the meeting or telephoned in. I would
21 ask that you please wait for me to call on you to testify so we'll
22 have a clear record of each person that's speaking.

23 Since I cannot have any communication with anyone involved
24 in the case outside of this public hearing, I would invite you to
25 speak tonight if you would like to do so.

1 After everyone in attendance has had a chance to speak, I
2 will offer the Applicant, or the Applicant's representative, a chance
3 to respond to any of the concerns or issues that were brought up.

4 So, with that in mind, anyone who thinks they might give
5 testimony tonight, I would ask to take an oath. Do you affirm that
6 you'll tell the truth, the whole truth and nothing but the truth?

7 (Affirmative.)

8 ZONING EXAMINER: Great. Thank you very much, and we will
9 begin with the first case which is Case No. C-15-20-02 Lucky Levin I,
10 II and III Annexation District. Mr. Beall?

11 (No audible response.)

12 ZONING EXAMINER: Excuse me. If John is speaking, I can't
13 hear him. Are you, are you speaking, John?

14 (No audible response.)

15 FEMALE VOICE: Unmuted.

16 CORRINNE: This is Corrinne (ph.) and -

17 MR. McLAUGHLIN: This is -

18 CORRINNE: I believe -

19 MR. McLAUGHLIN: - Peter McLaughlin. I can, I can present
20 the Staff report if John's audio's not working for some reason.

21 ZONING EXAMINER: Okay. Thank you. Peter McLaughlin will
22 prepare (sic) - present the Staff report. Thank you, Peter. Go
23 ahead.

1 MR. McLAUGHLIN: This is a request by the City of Tucson to
2 establish original City zoning on approximately 204 acres of land
3 consisting of 12 parcels recently annexed by the City of Tucson.

4 The original City zoning has to be established. It's, it's
5 part of the State statute that requires property be rezoned to a
6 similar zoning that have no more intents or - than the zoning was in
7 Pima County.

8 This recently-annexed parcel is on the east side of Kolb
9 Road, south of Valencia and north of the Union Pacific railroad
10 tracks. The property is mostly undeveloped other than a commercial
11 warehouse located near the southwest corner of the district - of the
12 annexation district adjacent to the tracks.

13 The Planning & Development Services Department recommends
14 approval of Planned Area Development 26 as the original City zoning
15 extension of - the extension of the Airport Environ Zone Overlay for
16 Davis Monthan Air Force Base and designation of Kolb Road as a
17 arterial gateway route on the City of Tucson Major Streets and Routes
18 Plan.

19 The zoning in Pima County was a specific plan, the South
20 Kolb Road - the South Kolb Specific Plan and the PAD translation to
21 PAD 26 is the appropriate translation for this district. It is
22 supported by the policies in Plan Tucson and in the Rincon Southeast
23 Subregional Plan.

24 To date, we've had zero protests or zero approvals on this
25 translation to original City zoning. That concludes the Staff report.

1 ZONING EXAMINER: Thank you, Mr. McLaughlin. Would the
2 Applicant, or Applicant's representative, like to speak, Mr.
3 Czechowski?

4 MR. CZECHOWSKI: Thank you, Mr. Iurino. We have no
5 comments (inaudible) for the translation zone.

6 ZONING EXAMINER: Thank you. Would anyone in the audience
7 like to speak on this case, the C15-20-02 Lucky Levin Annexation
8 District? Hearing no one, I'm closing the hearing on this case and
9 we'll now call the second case.

10 (Case C-15-20-02 was close.)

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: June 5, 2020

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