

ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

January 18, 2018

C15-17-02 - Original City Zoning
Pima County TH, CR-3, CR-4, CMH-1, CB-1, CB-2, CI-1, CI-2
to City of Tucson RV, R-1, R-2, R-3, MH-1, C-1, C-2, I-1, and I-2

BACKGROUND

This is an application by the City of Tucson to establish Original City Zoning on recently annexed parcels. The parcels are located in an area roughly bounded by Valencia Road on the north, Swan Road on the west, Los Reales Road on the south and extending approximately 1,200 feet east of Craycroft Road. Original City Zoning is required by Arizona Revised Statutes (ARS) Title 9-471.L and the Unified Development Code (UDC) Section 4.6.

ARS Title 9-471.L: “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.”

UDC 4.6: “The applicable zoning standards on land annexed into the City, unless otherwise stipulated in the annexation ordinance, shall continue to be the 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. There is no new development associated with this Original City Zoning. 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.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the January 4, 2018, Zoning Examiner’s Public Hearing, staff reported two written approvals and six written protests. The written protests amounted to less than 1% of total lots and area.

No one appeared to speak for this case from the Applicant or the neighborhood. Written protests received noted concerns about allowing I-1 and I-2 zoning close to residential properties, and that “commercialization of a residential area” will impact traffic and increase

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Rezoning: Pima County TH, CR-3, CR-4, CMH-1, CB-1, CB-2, CI-1, CI-2 to City of Tucson RV, R-1, R-2, R-3, MH-1, C-1, C-2, I-1, and I-2

the number of people leading to more accidents, crime, and noise. The Zoning Examiner notes that the existing County zoning includes industrial and commercial zones, and the translation into City zoning designations appears to be appropriate.

SUMMARY OF FINDINGS

Land Use Plans –

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.

Zoning Descriptions -

County Zone	Zone Description	City Translation	Zone Description
TH	Trailer Homesite – RV Park	RV	
CR-3	Single-family, 8,000 SF Lot	R-1	Low-density, 7000 SF Lot
CR-4	Single/Multi-family; Duplexes	R-2	Medium Density, Single and Multi-family
TR	High-density Residential	R-3	High-density Residential
CMH-1	Mfg. and Site-built, 8,000 SF	MH-1	Mfg. and Site-built 7,000 SF
CB-1	Indoor Retail, Residential	C-1	Low Intensity, Indoor Comm.
CB-2	Indoor/outdoor retail & Residential	C-2	General Commercial and Residential
CI-1	Mfg., Retail, Warehousing	I-1	Low-impact Industrial, Commercial & Warehousing
CI-2	General Industrial	I-2	Heavy Industrial
Airport Environs Zone	NCZ-A (65-70 Ldn)	Airport Environs Zone	NCD-A (65-70 Ldn)
Airport Environs Zone	Airport Height Overlay Zone 3	Airport Environs Zone	Airport Hazard District 2
		Airport Environs Zone	Davis-Monthan AFB Vicinity Zone
Major Streets and Routes	*Craycroft Rd: Low-volume Arterial, 90' ROW *I-10: State or Interstate Hwy *Los Reales Rd: Low-volume Arterial, 90' ROW *Swan Rd: Low-volume Arterial, 90' ROW	Major Streets and Routes	*Craycroft Rd: Arterial, 90' ROW *I-10: State/Interstate Route *Los Reales Rd: Arterial, 100'-150' ROW *Swan Rd: Arterial, 120' ROW

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**Rezoning: Pima County TH, CR-3, CR-4, CMH-1, CB-1, CB-2, CI-1, CI-2
to City of Tucson RV, R-1, R-2, R-3, MH-1, C-1, C-2, I-1, and I-2**

Design Considerations –

Certain parcels included in the Annexation District are within 1000 feet of the City of Tucson Los Reales Landfill, therefore future development may be subject to Chapter 29, Article IX of the Tucson Code regarding Development Regulations and Public Notice in the Proximity of Designated Landfills. Developers shall contact Environmental Services, prior to the submittal of any plans to determine applicability of the Chapter 29, Article IX.

CONCLUSION

The zoning designations are consistent with State Statute and the Unified Development Code. The City translation Zones provided above are the most comparable to the Pima County zones, and do not permit densities and uses greater than those permitted by the county. Translation to the City zones is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning to RV, R-1, R-2, R-3, MH-1, C-1, C-2, I-1, and I-2.

Respectfully Submitted,



Thomas Saylor-Brown, AIA, NCARB
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner
John Beall, Planning & Development Services
Cindy Leyba, City Recording Clerk

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1 ZONING EXAMINER: Good evening. My name's Thomas Sayler-
2 Brown. I'm the Zoning Examiner for the City of Tucson. I conduct
3 rezonings on behalf of the Mayor and Council and make findings of fact
4 which I put into a report, along with my recommendation which I then
5 send to Mayor and Council.

6 My report will be based on evidence submitted to me as part
7 of the rezoning application, as well as on testimony taken tonight.
8 I'll also include all record documents submitted to my office up until
9 this hearing.

10 A record - a tape recording is being made of tonight's
11 hearing by the City Clerk's Office. And if necessary, a transcript
12 will be prepared. I'm gonna prepare a preliminary report and a final
13 report.

14 After I close tonight's hearing, I'll prepare a preliminary
15 report within five days. The final report will come two weeks after
16 the close of the hearing. For those of you who wish to receive a copy
17 of my report, preliminary report, and you are not a principal already
18 listed on the case, please fill out one of the orange cards that's up
19 here on the podium.

20 A copy of the final report will be available from the
21 Planning & Development Services Department, and I'll send that report
22 along to Mayor and Council. They may consider my recommendation,

1 along with factors, other factors, and they will base their vote on
2 that.

3 At the start of a (sic) hearing, of this hearing, I will
4 have John Beall of the Planning & Development Services Department to
5 give a presentation on the case. Mr. Beall is sitted (sic), seated
6 here to my right. After that, I'm gonna hear from the Applicant.

7 Following the Applicant, I'll ask for testimony from people
8 in the public. Since I can't have any communications with parties
9 involved in this case, now is the time for you to speak to me.

10 Now if anyone other than the Applicant does wish to speak,
11 please make sure you've filled out one of the yellow cards on the
12 podium. I'll call you up in order of those who are support, those who
13 oppose, or those who are neutral, based on the yellow cards that I
14 receive.

15 When I call you up to the podium, I'd like everyone to also
16 please print your name and address very clearly on the sign-in sheet.
17 And I'm gonna ask you to announce your name and address for the
18 record, and for the Recording Clerk.

19 If anyone other than the principals in this rezoning case
20 wants a copy of my preliminary report, please fill out the orange
21 card. I think I said that before.

22 Now, at this time, I'd like to swear in anybody who wishes
23 to speak. So, anyone who thinks there's any possibility that he or
24 she will speak to me tonight, please stand for the oath and raise your
25 right hand. Any possibility that you're gonna talk? Anybody? Okay.

1 So, do you swear or affirm to tell the truth, the whole truth, and
2 nothing but the truth?

3 (Affirmative.)

4 ZONING EXAMINER: You could say, "I do," 'cause I know you
5 heard me. Okay. All right.

6 So, what I'm gonna do is I'm gonna turn this over to Mr.
7 Beall. I'm gonna hear about the case. The first case that we will be
8 looking at is the original City zoning which is C15-17-02.

9 MR. BEALL: This is an application by the City of Tucson to
10 establish original City zoning on recently-annexed parcels. The
11 parcels are located in an area roughly bounded by Valencia Road on the
12 north, Swan Road on the west, Los Reales Road on the south, and
13 extending approximately 1200 feet east of Craycroft Road.

14 Original City zoning is required by the Arizona Revised
15 Statutes and the Unified Development Code. The established procedure
16 is to translate the County zoning in place before annexation into the
17 most appropriate City zoning classification.

18 There is no new development associated with this original
19 City zoning. Lawful existing development will be allowed to continue.
20 Property status regarding non-conforming uses and structures will be
21 determined as needed on a case-by-case basis.

22 Plan policies are not applied to original City zoning. Any
23 future rezoning requested of the annexed land must be in conformance
24 with adopted land use plans.

1 Consistent with state statute and the Unified Development
2 Code, the City translation zones provided above within the document
3 are the most comparable to the Pima County zones and do not permit
4 densities and uses greater than those permitted by the County.
5 Translation to the City zones as recommended is appropriate.

6 As of today's date, 01/04/18, there have been two approvals
7 and six protests and there've been six protests within 150 feet, but
8 protests by total lots and area is less than one percent.

9 ZONING EXAMINER: Thank you, Mr. Beall. One thing that I
10 found reviewing the documents, you have a really nice chart that shows
11 how the County zoning was translated into City zoning. But you left
12 off the translation of CI-2 to I-2. So, before I finish my
13 preliminary report, I'd like to get an updated zoning description
14 chart.

15 MR. BEALL: We'll sent that over to you.

16 ZONING EXAMINER: Okay. Thank you. So, is there anybody
17 here wishing to speak on this case from the Applicant? No? Okay.
18 Did, did any of you want to speak on this particular case? You're
19 shaking - you could just go "no", if "no". So, this is not your case.
20 Okay.

21 So, nobody wishes to speak on this? Therefore, I'm gonna
22 close the hearing and move on to the next.

23 (Case: C15-17-02 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: 01/10/18

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