



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

September 14, 2015

**C15-15-03 Indian Hills North Annexation District, Original City Zoning
Public Hearing: March 19, 2015**

BACKGROUND

This is a request by City of Tucson to establish Original City Zoning on approximately 33.74 acres of land recently annexed by the City of Tucson. Establishment of Original City Zoning requires that the property be rezoned from the County CR-1 zone to the City RX-1 zone. The rezoning site is located on the east side of Bear Canyon Road approximately 3,500 feet north of Tanque Verde Road. The property is made up of thirty-two parcels within the platted Indian Hills North subdivision.

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

PUBLIC HEARING SUMMARY (Minutes Attached)

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

Mike Czechowski presented the rezoning request.

FINDINGS OF FACT

This is a request by City of Tucson to establish Original City Zoning on approximately 33.74 acres of land recently annexed by the City of Tucson. Establishment of Original City Zoning requires that the property be rezoned from the County CR-1 zone to the City RX-1 zone. The rezoning site is located on the east side of Bear Canyon Road approximately 3,500 feet north of Tanque Verde Road. The property is made up of thirty-two parcels within the platted Indian Hills North subdivision.

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 CR-1. The closest comparable translation to City of Tucson zoning is RX-1.

Current Pima County CR-1 Zone is a residential zone that allows single-family residences. It requires a minimum lot size of 36,000 square feet, and permits a maximum building height of 34 feet. The City of Tucson RX-1 Zone is the most comparable to the County

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Rezoning: CR-1 to RX-1**

CR-1 zone. The RX-1 Zone is also a residential zone that allows single-family-residences and requires a minimum lot size of 36,000 square feet. It permits a maximum building height of 30 feet.

Surrounding development includes single-family residential subdivisions zoned County SR to the north and south, single-family subdivisions zoned County CR-1 to the east, a single-family residential subdivision zoned County CR-1 to the west, and one single family residence on approximately 60 acres zoned Tucson RX-1 to the west.

Vehicular access is from Bear Canyon Road, which is located immediately to the west of the annexation district. Within the City of Tucson, Bear Canyon 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. The purpose of the Scenic Route designation is to protect the City's unique visual setting and promote its economic well-being by establishing performance regulations which assure design sensitivity by preserving scenic resources and natural vegetation. Bear Canyon Road 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 Bear Canyon Road lying within the annexation district as a Scenic Route and extends the *Major Streets and Routes Plan* designation for Bear Canyon Road.

The annexation site is within the boundaries of the *Catalina Foothills Subregional Plan* and *Plan Tucson* though no Map detail has been created that would provide specific policy direction. *Plan Tucson* identifies this area as appropriate for annexation and supports residential development at similar densities to surrounding properties.

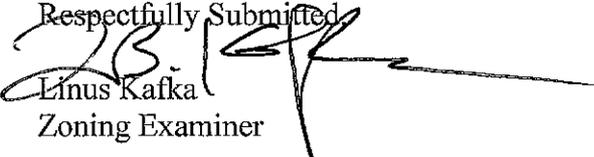
Tucson Water Department estimates that the proposed development will require three (3) additional fire hydrants. Tucson water is currently communicating with Tucson Fire Department to determine the locations of said fire hydrants.

CONCLUSION

The proposed RX-1 zoning, as well as the proposed extension of the *Major Streets and Routes Plan* and *Scenic Corridor Zone* designations on Bear Canyon Road is consistent with State law and supported by *Plan Tucson* and is therefore appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of RX-1 zoning.

Respectfully Submitted

Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report

Case: C15-15-03 Establish Original City Zoning,
Indian Hills North Annexation District(Ward 2):
Translation from Pima County CR-1 to City of Tucson RX-1,
and extension of the Major Streets and Routes designation,
and Scenic Corridor Zone designation.
City of Tucson Zoning Examiner Public Hearing 08/27/15

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Daniel Bursuck, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: All right. Good evening. My name is
2 Linus Kafka, and I'm the Zoning Examiner for the City of Tucson.
3 I conduct special exception hearings and rezoning hearings on
4 behalf of the Mayor and Council, and I make findings-of-facts.

5 In the case of rezonings, I prepare a report, along
6 with a recommendation which I then send to Mayor and Council.
7 In the case of special exceptions, I render a decision, at least
8 with the special exceptions that are Zoning Examiner special
9 exceptions. There are also Mayor and Council Special exceptions,
10 and they follow the process of rezoning.

11 Hopefully, won't get too technical here, but what I'm
12 gonna talk about is the process for special exceptions. And then
13 I'm gonna talk about the process for rezonings because we have
14 rezoning and special exception cases on the agenda this evening.

15 So for special exceptions - how many of you are here on
16 a case involving a cell tower? All right. So this is the
17 instructions on the special exceptions. They apply to you.
18 After I close the hearing, I'll prepare a decision within five
19 working days. If I do not close the public hearing this evening,

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1 I'll continue it to a date not more than 30 days from now. In my
2 decision, I'll recommend approval, approval with conditions, or
3 denial of the application.

4 I'll mail the notice of the decision on an application
5 within three days after I render my decision. This will be
6 mailed to the Applicant and all persons who request the notice.
7 My decision may be appealed by a party-of-record to the Mayor and
8 Council in accordance with the Unified Development Code by
9 submitting a Notice of, Notice of Intent to appeal to the City
10 Clerk within 14 days from the date of the decision, with a copy
11 delivered to Planning & Development Services Department. The
12 complete appeal materials must be filed within 30 days of the
13 decision.

14 An Applicant may request a change in a condition of
15 approval of a special exception land use. The request shall be
16 reviewed by Staff for recommendation to me. The request shall
17 then be considered at a public hearing in accordance with UDC
18 3.9.2. One of those special exceptions is a Mayor and Council
19 one, isn't it, this evening? Oh, they're all - okay.

20 In the case of rezonings, I'll prepare a preliminary
21 report and a final report. After I close the hearing, I'll
22 prepare a preliminary report within five working days. I'll

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1 prepare a final report two weeks after the close of the public
2 hearing. For those of you who wish to receive a copy of my
3 preliminary report, and you're not already a principal listed on
4 the case, there is an orange card at the podium which you'll be
5 able to fill out and we'll send you a copy of that report.

6 A copy of the final report will be available from
7 Planning & Development Services, and I'll send that report along
8 to the Mayor and Council. They may consider my recommendation
9 along with the other factors, and make a decision on that.

10 A little bit about procedure. At the start of the
11 hearing, I'd like to have Staff give me a presentation on the
12 case. And after that, I'll have the Applicant come up to present
13 the case. After the Applicant presents, those wishing to speak
14 in favor of the case may be called up, followed by people who
15 oppose the case or anyone who wishes to speak to any relevant
16 issue regarding the case.

17 I may call individuals back to the podium to address
18 particular issues, and since I cannot have any communications
19 with parties involved in this case outside of this room, now is
20 the time to speak. If you wish to speak tonight, we'll handle
21 how people speak. You'll raise your hand, I'll call you up and -
22 but when you do come up to the podium, I'm gonna ask you to sign

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1 in on the sign-in sheet, which is on the lower level of the
2 podium up there.

3 And there's a couple of reasons why we do that. I'd
4 like you to sign in so that we have, when we do the transcript,
5 we have an accurate record of who's speaking and in what order.
6 It also gives us the ability to spell check your name when we're
7 doing those transcripts. I'll also ask you to announce your name
8 so that I can address you.

9 At this time, I'd like to swear in those wishing to
10 speak this evening. So if you're intending to speak on any case
11 this evening, what I'd like you to do is stand up now and raise
12 your right hand. All right. Do you swear or affirm to tell the
13 truth, the whole truth and nothing but the truth?

14 (Affirmative.)

15 ZONING EXAMINER: All right. Thank you. All right.
16 So as I mentioned, we have a number of cases on the agenda this
17 evening. And for each case, I will have a brief background given
18 to me by Planning Staff, Mr. John Beall, Mr. Daniel Bursuck, and
19 - sorry. And then I'll begin with calling on the Applicants.

20 So the first case this evening is Case No. C15-15-03,
21 which was the original City zoning case in Indian Hills North
22 Annexation District. Who's giving the presentation? Okay.

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1 Mr. Bursuck.

2 MR. BURSUCK: This is a request by the City of Tucson
3 to establish original City zoning on approximately 33.74 acres of
4 land recently annexed by the City of Tucson. Establishment of
5 original City zoning requires that the property be rezoned from
6 the County CR-1 zone to a City RX-1 zone.

7 The rezoning site is located on the east side of Bear
8 Canyon Road approximately 3,500 feet north of Tanque Verde Road.
9 The property is made up of 32 parcels within the platted Indian
10 Hills North Subdivision.

11 Arizona State law provides the original City zoning
12 must be applied to recently annexed property within six months of
13 annexation. The original City zoning may not allow uses or
14 densities greater than permitted under the existing County
15 Zoning. Consistent with State law and Mayor and Council policy,
16 Staff translates the Pima County zoning to the most comparable
17 City zoning, thereby allowing uses and densities equivalent to
18 what was allowed under County zoning.

19 Vehicular access is from Bear - is from Bear Canyon
20 Road which is located immediately to the west of the annexation
21 district. Within the City of Tucson, Bear Canyon Road is
22 identified as a scenic arterial street on the City of Tucson

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1 Major Streets and Routes Plan Map with a future right-of-way of
2 200 feet.

3 The purpose of the scenic route designation is to
4 protect the City's unique visual setting and promote its economic
5 well-being by establishing conformance regulations which assure
6 design sensitivity by preserving scenic resources and natural
7 vegetation.

8 Bear Canyon Road is designated as a scenic route within
9 Pima County and meets the scenic route criteria outlined in the
10 City's Major Streets and Routes Plan. Therefore, the original
11 City zoning includes designation of that portion of Bear Canyon
12 Road lying within the annexation district as a scenic route and
13 extends the Major City - Major Streets and Routes Plan
14 designation for Bear Canyon Road.

15 Indian Hills North Annexation District is within the
16 boundaries of the Catalina Foothills Subregional Plan and Plan
17 Tucson, through (sic) no - though no map detail has been created
18 that would provide specific policy direction.

19 Plan Tucson identifies this area as appropriate for
20 annexation and supports residential development at similar
21 densities to surrounding properties. The proposed RX-1 zoning,
22 as well as the proposed extension of the Major Streets and Routes

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1 Plan and Scenic Corridor Zone designations on Bear Canyon Road is
2 consistent with State law and supported by Plan Tucson and is
3 therefore appropriate. As of 08/27/15, there are four, four
4 approvals and one protest.

5 ZONING EXAMINER: Thank you, Mr. Bursuck. I'm in
6 receipt of copies of the approval and protests, and make them
7 part of the record. This is a translation from CR-1 to RX-1,
8 which is a residential zone, and Mr. Czechowski, I apologize, I
9 think we - I hid the sign-in sheet there. There we go. All
10 right. Anything you wish to add to the Staff report?

11 MR. CZECHOWSKI: No.

12 ZONING EXAMINER: Any other comments?

13 MR. CZECHOWSKI: If I could see the protests and the
14 approvals. I haven't seen (inaudible) I have no comments.

15 ZONING EXAMINER: Okay. Thank you. Anybody else here
16 wishing to speak on the Indian Hills North Annexation District,
17 C15-15-03? All right. Thank you. All right. Seeing no one,
18 taking the presentation of Staff, Mr. Bursuck, and Mr.
19 Czechowski, Case No. C15-15-03 is hereby closed. Thank you.

20 (Case No. C15-15-03 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: 09/12/15



KATHLEEN R. KRASSOW - Owner
M&M Typing Service