



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

January 4, 2016

C15-15-04 Limberlost and Fairview Annexation District Original City Zoning Public Hearing: December 17, 2015

BACKGROUND

This is a request by the City of Tucson to establish Original City Zoning on approximately 113.2 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 surrounding the intersection of Limberlost Drive and Fairview Avenue. The property consists of land currently developed as a mix of manufactured housing, single-family residential, office, and commercial. The request includes a pre-annexation and development agreement with development approval.

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 on approximately 113.2 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 surrounding the intersection of Limberlost Drive and Fairview Avenue. The property consists of land currently developed as a mix of manufactured housing, single-family residential, office, and commercial. The request includes a pre-annexation and development agreement with development approval.

Current Pima County CB-2 Zone is a general business use zone that includes automobile sales and repair, wholesale activities and manufacturing limited to 25 percent of the floor area. Current Pima County MU Zone is a multiple use district that allows single- and multi-family residences, churches and schools. Limited commercial uses are typically permitted only as special exception land uses. Current Pima County TR Zone is a low density residential zone that allows single-family residences, commercial/agriculture uses,

**C15-15-04 Limberlost and Fairview Annexation District Original City Zoning
Rezoning: CB-2, MU, TR, and SH to C-2, MU, O-3, and SH**

churches, schools, and public utilities. Current Pima County SH Zone is a low density residential zone which allows single-family residences, commercial/agricultural uses, churches, schools and public utilities uses.

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 closest comparable translations to City of Tucson zoning are, respectively, C-2, MU, O-3, and SH.

Within the City of Tucson, Wetmore Road is identified as an arterial street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 120 feet. Therefore, the Original City Zoning includes designation of that portion of Wetmore Road lying within the annexation district extends the *Major Streets and Routes Plan* designation for Wetmore Road. Within the City of Tucson, Fairview Avenue is identified as a collector street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 76 feet. Therefore, the Original City Zoning includes designation of that portion of Fairview Avenue lying within the annexation district extends the *Major Streets and Routes Plan* designation for Fairview Avenue.

The proposed annexation district is situated on 113.2 acres surrounding the intersection of Limberlost Drive and Fairview Avenue. The annexation district consists of land currently developed as a mix of manufactured housing, single-family residential, office, and commercial uses. A total of one hundred forty-seven parcels are associated with the annexation district. These parcels range in size from 396 square feet to 11.95 acres and in uses from single-family residential to commercial.

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 CB-2 to City C- 2, Pima County MU to City MU, Pima County TR to City O-3, and Pima County SH to City MU 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 residential 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 sites for the automotive dealership uses, into the City of Tucson, that will contribute to the City's economic vitality and community character.

**C15-15-04 Limberlost and Fairview Annexation District Original City Zoning
Rezoning: CB-2, MU, TR, and SH to C-2, MU, O-3, and SH**

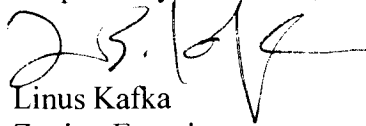
CONCLUSION

The establishment of original City zoning for these parcels, translating from Pima County CB-2 to City C-2, Pima County MU to City MU, Pima County TR to City O-3, and Pima County SH to City SH zoning, is supported by the policies in the *Plan Tucson* and the *Catalina Foothills Subregional Plan*. The *Major Streets and Routes Plan*, arterial route designation for Wetmore Road and collector designation for Fairview Avenue will extend those portions of Wetmore Road and Fairview Avenue lying within the annexation district. Approval of the proposed translation OCZ zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of C-2, MU, O-3 and SH zoning.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report



MEMORANDUM

DATE: December 1, 2015
December 17, 2015

TO: Linus Kafka
Zoning Examiner

FROM: Jim Mazzocco, Interim Director
Planning & Development Services

SUBJECT: REZONING: PLANNING & DEVELOPMENT SERVICES REPORT
ESTABLISHMENT OF ORIGINAL CITY ZONING
C15-15-04 Limberlost and Fairview Annexation District
County CB-2, MU, TR, and SH to City C-2, MU, O-3, and SH (Ward 3)

Issue – This is a request by the City of Tucson to establish Original City Zoning on approximately 113.2 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 surrounding the intersection of Limberlost Drive and Fairview Avenue (see Case Location Map). The property consists of land currently developed as a mix of manufactured housing, single-family residential, office, and commercial. 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 C-2, MU, O-3, and SH zoning as the Original City Zoning, and extension of the Major Streets & Routes, arterial street designation on Wetmore Road and collector street designation on Fairview Avenue.

Background Information

Annexation History – Mayor and Council adopted Ordinance No. 11308, annexing the Limberlost and Fairview Annexation District on September 24, 2014. The annexation became effective on October 24, 2015.

Existing Land Use: Manufactured housing, single-family residential, multi-family residential, office, and commercial.

Surrounding Zones and Land Uses:

North: Zoned CR-3 (Pima County), C-3, and C-2; single family residential and commercial uses

South: Zoned I-1 and MU; manufactured housing and industrial uses

East: Zoned C-2 and R-2; single-family residential, multi-family residential, and commercial uses

West: Zoned MU (Pima County); single-family residential and multi-family residential uses

Previous Cases on the Property:

Pima County rezoning case Co9-14-004, Wilson Family Trust – West Wetmore Road Rezoning. This was a rezoning case to change zoning from SH to CB-2, Ordinance Number 2015-13, adopted on April 2, 2015 by the Pima County Board of Supervisors.

Pima County rezoning case Co9-88-040, HPL Properties – Wetmore Road Rezoning. This was a rezoning case to change zoning from TR to CB-2, Ordinance Number 2000-259, adopted on December 19, 2000 by the Pima County Board of Supervisors.

Pima County rezoning case Co9-88-025, Wetmore #2-7198 – Fairview Avenue. This was a rezoning case to change zoning from MU & CR-5 to CB-2, Ordinance Number 1992-83, adopted on September 1, 1992 by the Pima County Board of Supervisors.

Pima County rezoning case Co9-80-085, Wetmore #2-7198 et al – Wetmore Road Rezoning. This was a rezoning case to change zoning from SH to TR, Ordinance Number 1984-137, adopted on August 7, 1984 by the Pima County Board of Supervisors.

Pima County rezoning case Co9-72-165, Christopher – Wetmore Road Rezoning. This was a rezoning case to change zoning from SH to TR, Ordinance Number 1973-43, adopted on April 3, 1973 by the Pima County Board of Supervisors.

Related Cases:

C9-86-34: Oracle – Limberlost

The site comprised approximately 2.4 acres of land. The annexation and rezoning site is located on the northeast corner of the intersection at Limberlost Drive and 14th Avenue. The original County zoning was SH and was rezoned to R-2 and B-2A.

C9-85-44: Rillito Ranch Estates

The site comprised approximately 108.2 acres of land. The annexation and rezoning site is located north of Wetmore Road and east of Fairview Avenue. The original County zoning was SH and was rezoned to B-2, B-2A and UR. The *Major Streets and Routes* arterial street designation for Wetmore Road was extended within the annexation district.

C9-82-48: Oracle Road – Wetmore Road II

The site comprised approximately 648.1 acres of land. The annexation and rezoning site is located along the Rillito River from west of Oracle Road to east of 1st Avenue. The original County zoning was a mix of residential, office, and commercial zones and was rezoned to primarily commercial zones with some urban residential and mobile home zones. The *Major Streets and Routes* arterial street designation for Wetmore Road, Stone Avenue, and 1st Avenue, and scenic arterial street designation for Oracle Road were extended 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 CB-2 zone and the City of Tucson C-2 zone are comparable, the Pima County MU zone and the City of Tucson MU zone are comparable, the Pima County TR zone and the City of Tucson O-3 zone are comparable, and the Pima County SH zone and the City of Tucson SH zone are comparable. The completed translation of County zones to City zones is summarized below.

County CB-2: General business uses including automobile sales and repair, wholesale activities and manufacturing limited to 25 percent of the floor area.

County MU: Multiple use district which allows single- and multi-family residences, churches and schools. Limited commercial uses typically permitted only as special exception land uses.

County TR: Low-density residential zone which allows single-family residences, commercial/agricultural uses, churches, schools, and public utilities uses.

County SH: Low-density residential zone which allows single-family residences, commercial/agricultural uses, churches, schools, and public utilities uses.

City C-2: Primarily low density residential property, with recreational/tourist related enterprises permitted subject to lot size.

City MU: A mixed use zone permitting low to medium density residential development and various commercial activities commonly from the O-3 to C-2 zones.

City O-3: This zone provides for mid-rise, office, medical, civic, and other development uses that provide reasonable compatibility with adjoining residential uses.

City SH: This zone provides for low density, large lot, single-family, residential development and suburban ranch uses.

Arterial Route: Within the City of Tucson, Wetmore Road is identified as an arterial street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 120 feet. Therefore, the Original City Zoning includes designation of that portion of Wetmore Road lying within the annexation district extends the *Major Streets and Routes Plan* designation for Wetmore Road.

Collector Route: Within the City of Tucson, Fairview Avenue is identified as a collector street on the City of Tucson *Major Streets and Routes Plan* map, with a future right-of-way of 76 feet. Therefore, the Original City Zoning includes designation of that portion of Fairview Avenue lying within the annexation district extends the *Major Streets and Routes Plan* designation for Fairview Avenue.

PIMA COUNTY ZONING	CITY TRANSLATION	CITY OVERLAY ZONES
CB-2, MU, TR, & SH	C-2, MU, O-3, & SH	Major Streets & Routes Plan Arterial Street & Collector Street

Planning Considerations

The proposed annexation district is situated on 113.2 acres surrounding the intersection of Limberlost Drive and Fairview Avenue. The annexation district consists of land currently developed as a mix of manufactured housing, single-family residential, office, and commercial uses. The request is the establishment of original city zoning from Pima County CB-2 (County Commercial) to City C-2 (City Commercial), Pima County MU (County Multiple Use) to City MU (City Multiple Use), Pima County TR (County Transitional) to City O-3 (City Office), and Pima County SH (County Suburban Homestead) to City MU (City Suburban Homestead).

A total of one hundred forty-seven parcels are associated with the annexation district. These parcels range in size from 396 square feet to 11.95 acres and in uses from single-family residential to commercial.

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 CB-2 to City C-2, Pima County MU to City MU, Pima County TR to City O-3, and Pima County SH to City MU 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 residential development that will contribute to Tucson's overall economic vitality and community character.

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Conclusion – The establishment of original City zoning for these parcels, translating from Pima County CB-2 to City C-2, Pima County MU to City MU, Pima County TR to City O-3, and Pima

County SH to City MU zoning, is supported by the policies in the *Plan Tucson* and the *Catalina Foothills Subregional Plan*. The *Major Streets and Routes Plan*, arterial route designation for Wetmore Road and collector designation for Fairview Avenue will extend those portions of Wetmore Road and Fairview Avenue lying within the annexation district. Approval of the proposed translation OCZ zoning is appropriate.

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