



Zoning Examiner

Preliminary Report

April 24, 2024

Mike Czechowski
City of Tucson
255 W. Alameda
Tucson, AZ 85701

SUBJECT: TP-ENT-0124-00003 Cody, Gabriel, Jay Annexation Districts Pima County CI-2, RH to City of Tucson I-2, RH (Ward 4)

Public Hearing: April 17, 2024

Dear Mr. Czechowski:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case TP-ENT-0124-00003 Cody, Gabriel, Jay Annexation Districts, Pima County CI-2, RH to City of Tucson I-2, RH (Ward 4).

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

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The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is an application by the City of Tucson to establish Original City Zoning on recently annexed parcels. The parcels are located on the edges of the H2K PAD, located north of I-10, east of Houghton Road, and west of Colossal Cave Road (see Case Location Map). Original City Zoning is required by A. R. S. Section 9-471.L and the Unified Development Code (UDC) Section 4.6.

A.R.S. Section 9-471.L states: "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 states: "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. 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.

Applicant's Request – Establish Original City Zoning for the annexed parcels totaling approximately 302 acres.

Background Information

The Cody, Gabriel, and Jay Annexation Districts, consisting of approximately 302 acres of real property, are located adjacent to the existing 2,160-acre H2K PAD, approved by Mayor and

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Council in 2022. Cody is located on the east side of the PAD and on the west side of Colossal Cave Road. Gabriel is located at the southern tip of the PAD, at the northwest corner of Colossal Cave Road and I-10. Jay is located at the north area of the PAD, east of Houghton Road and adjacent to the Cactus Country RV Resort. The three annexation districts consist of undeveloped property.

A public hearing for the annexation was held May 23, 2023. At the close of the public hearing, Mayor and Council directed staff to proceed with the annexation.

The annexation districts are owned by the Arizona State Land Department (ASLD). ASLD believes annexation is beneficial as it will increase acreage of the contiguous area of land and will assist in attracting potential projects that can contribute to the Tucson economic and employment base. The annexed parcels also serve as a buffer area between the H2K PAD's more intensive uses and the adjacent residential neighborhoods and elementary school on Colossal Cave Road.

Existing Land Uses:

Vacant land.

Surrounding Zones and Land Uses:

Cody Parcel:

North: County CR-5, residential land use

East: County CMH-1, CB-1, mobile home and retail land use

South: City H2K PAD, vacant

West: City H2K PAD, vacant

Gabriel Parcel:

North: H2K PAD, electric substation

East: County RH, vacant. Colossal Cave Road

South: County RH, Interstate 10 easement

West: County RH, Interstate 10 easement



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Jay Parcel:

North: County CR-1, vacant. Contains railroad easement

East: County CR-1, vacant. Contains railroad easement

South: H2K PAD, vacant

West: County TH, mobile home park

Zoning Descriptions

County Zones

CI-2 General Industrial

RH Rural Homestead

Proposed City Zones

I-2 Heavy Industrial

RH Rural Homestead

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

April 17, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the April 17, 2024, Zoning Examiner hearing. Eight other persons spoke, and raised issues regarding traffic on Colossal Cave Road, noise from the existing railroad crossing, concerns regarding possible use of hazardous materials in future on-site manufacturing and the proposed I-2 zoning classification.

As of the date of the Zoning Examiner hearing, there were no (0) written approvals and twenty-two (22) written protests.

Conclusion – Consistent with Arizona state statute and the Unified Development Code, City original zoning of annexed parcels shall be the zones most comparable to the existing Pima County zones, and shall not permit densities and uses greater than those permitted by the County prior to annexation.

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The County RH Zone translates to City RH zone. However, the City I-2 (Heavy Industrial) zone permits uses that are more intensive than the uses permitted in the County CI-2 (General Industrial) zone. A more appropriate translation would be to the City I-1 zone.

The Zoning Examiner recommends the adoption of RH and I-1 Original City Zoning.

Sincerely,

John Iurino

Zoning Examiner

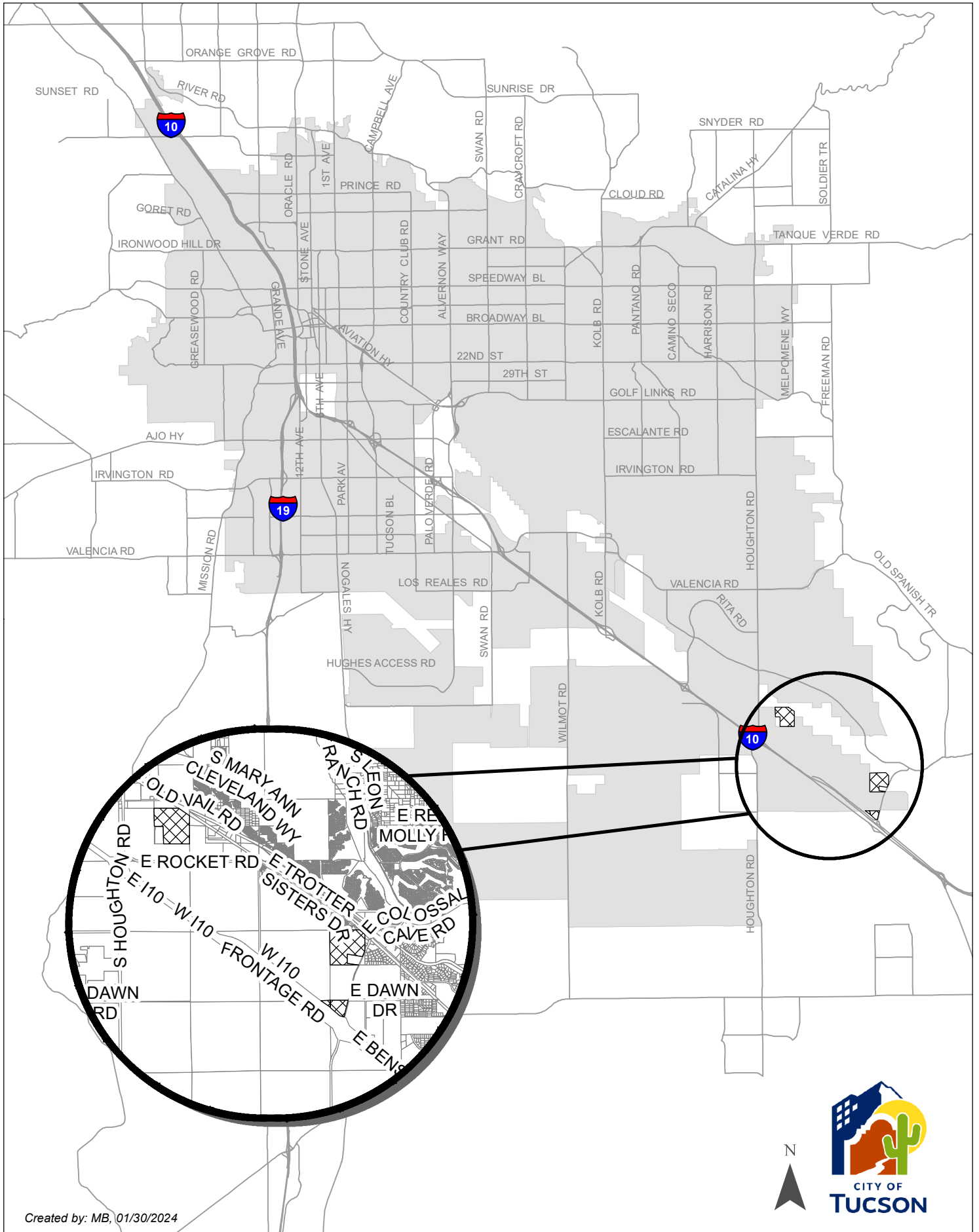
ATTACHMENTS:

Case Location Map

Rezoning Case Map


Cc: Mayor and Council

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 Area of OCZ: CI-2 & RH to PAD

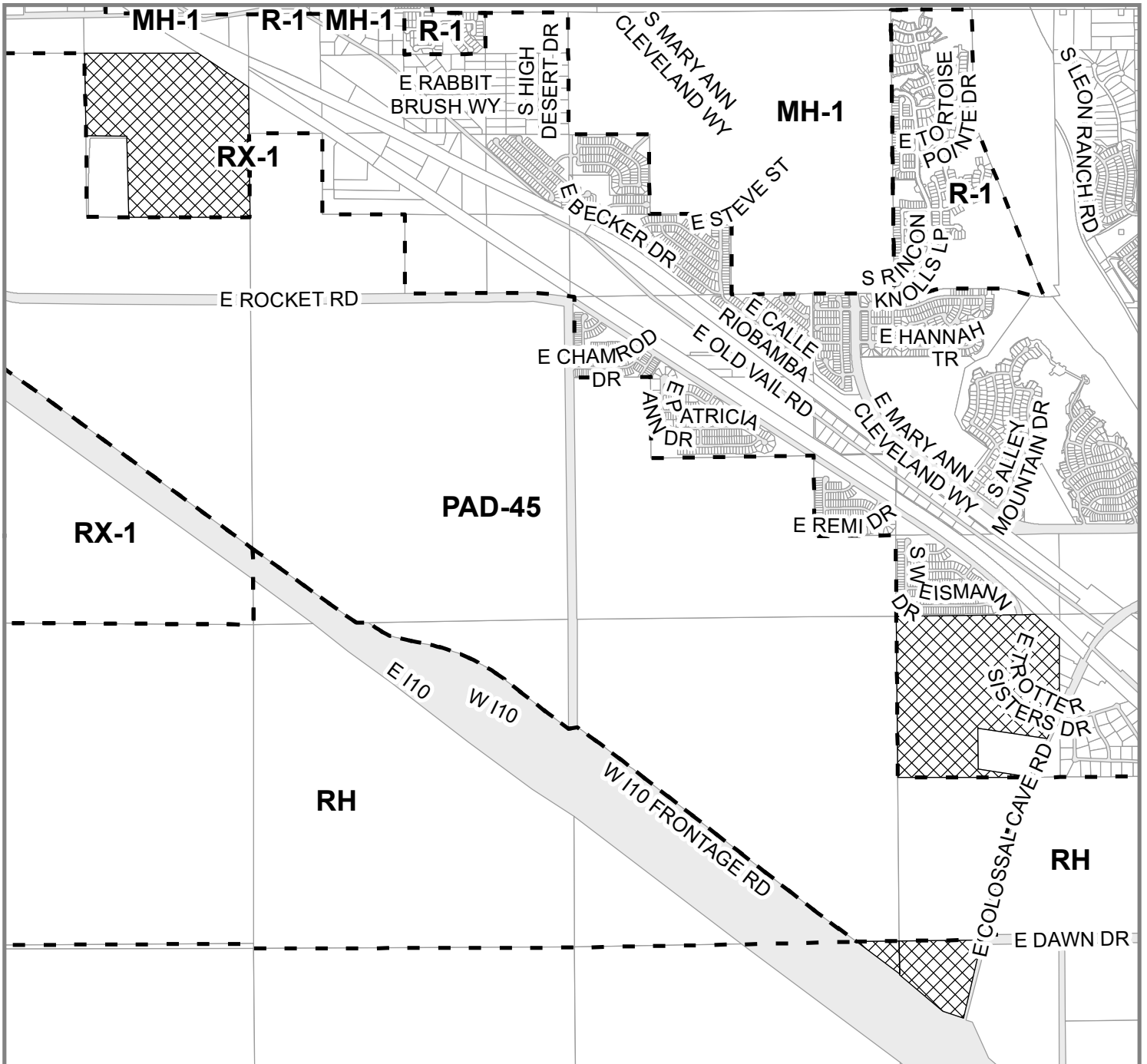
Ward: 4



0 1,100 2,200 Feet
1 inch = 2,257.34102 feet

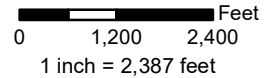


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Area of OCZ: CI-2 & RH to PAD

Ordinance _____
 Adoption Date _____



Ordinance becomes effective 30 days after adoption by Mayor and Council and when it is made available by the City Clerk.

Legal Description: See attached legal description

 Director, Planning & Development Services Department

