

MEMORANDUM

DATE: July 23, 2024

For August 8, 2024 Hearing

Lusla Sualla

TO: John Iurino FROM: Kristina Swallow

Zoning Examiner Planning & Development Services

Director

SUBJECT: REZONING – ESTABLISHMENT OF ORIGINAL CITY ZONING

PLANNING & DEVELOPMENT SERVICES REPORT TP-ENT-0624-00013 Sonoran South Annexation District

Pima County RH to City of Tucson RH (Ward 5)

<u>Issue</u> – This is an application by the City of Tucson to establish Original City Zoning on recently annexed parcels. The parcel is located south of Old Vail Connection Road and east of Swan Road (see Case Location Map). 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. 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.

<u>Applicant's Request</u> – Establish Original City Zoning for annexed parcel totaling approximately 79.97 acres.

<u>Neighborhood Meeting</u> – The applicant held a required neighborhood meeting on May 29, 2024 to discuss the Original City Zoning. Zero residents attended the meeting which was also attended by City and Tucson Airport Authority staff.

Rezoning – Original City Zoning
Planning & Development Services Report
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Pima County RH, to City of Tucson RH (Ward 5)

<u>Planning & Development Services Recommendation</u> – The Planning & Development Services Department recommends approval of the RH zoning to establish the Original City Zoning, subject to the pre-annexation development agreement between the applicant and the City of Tucson.

Background Information

The Sonoran South Annexation District, consisting of approximately 79.9 acres of real property, is located adjacent within the boundaries of the *Rincon/Southeast Subregional Plan*. For areas within Plan boundaries which have been annexed into the City, requests for amendments will be accepted and processed as needed at any time during the year, as with other adopted City plans. The subject area is within the boundary of the RSSP, but not located within a map detail area as identified within the plan. Old Vail Connection Road aligns with the Sonoran Corridor as it approaches Interstate 19. The parcel is also identified within the highest 20th percentile concentration of transportation vulnerable populations per *Move Tucson* and within the *AEZ Nosie Overlay Zone 1*.

A public hearing for the annexation was held April 9, 2024. At the close of the public hearing, Mayor and Council directed staff to proceed with the annexation.

The properties are owned by the Tucson Airport Authority (TAA) believes annexation is beneficial and aligns with land use objectives of TAA as it will increase acreage of the contiguous area to assist in attracting potential projects that can contribute to the Tucson economic and employment base.

Annexation of vacant or mostly vacant land allows the City of Tucson to manage the plan review, permitting, and development process. Property developed within the City is subject to permit fees, impact fees, and construction sales tax. Owners of real property within the City may be subject to use tax, utility tax, property tax, and commercial lease tax.

Existing Land Uses:

Entirely vacant land.

Surrounding Zones and Land Uses:

North: County CI-2, Stockpiling East: City, RH, Correctional Facility

South: City, RH, vacant West: City, RH, vacant

Zoning Translation with Descriptions

County Zone	Zone Description	Permitted Building Height	City Translation	Zone Description	Permitted Building Height
RH	Rural Homestead	34'	RH	Rural Homestead	30'

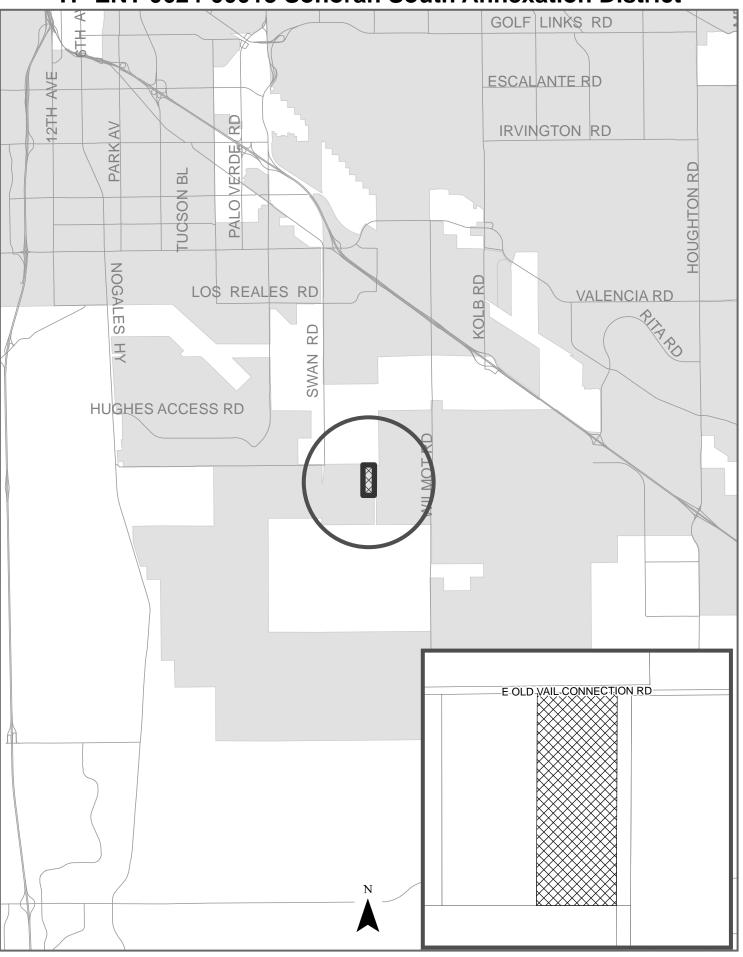
Rezoning – Original City Zoning
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Pima County RH, to City of Tucson RH (Ward 5)

The Pima County RH Zone is a residential zone that allows single-family residences. RH requires a minimum lot size of 180,000 square feet and permits a maximum building height of 34 feet. The City of Tucson RH Zone is the most comparable to the County zone. The RH Zone is a residential zone that allows single-family-residences and requires a minimum lot size of 180,000 square feet. It permits a maximum building height of 30 feet.

<u>Planning Considerations</u> – 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.

<u>Conclusion</u> – Consistent with Arizona State Statue and the Unified Development Code, the City's translation of 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 with conditions to reflect pre-annexation and development agreements between City of Tucson and the applicant as recommended, is the appropriate translation from Pima County zoning to City of Tucson zoning.

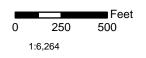
TP-ENT-0624-00013 Sonoran South Annexation District



TP-ENT-0624-00013 Sonoran South Annexation District

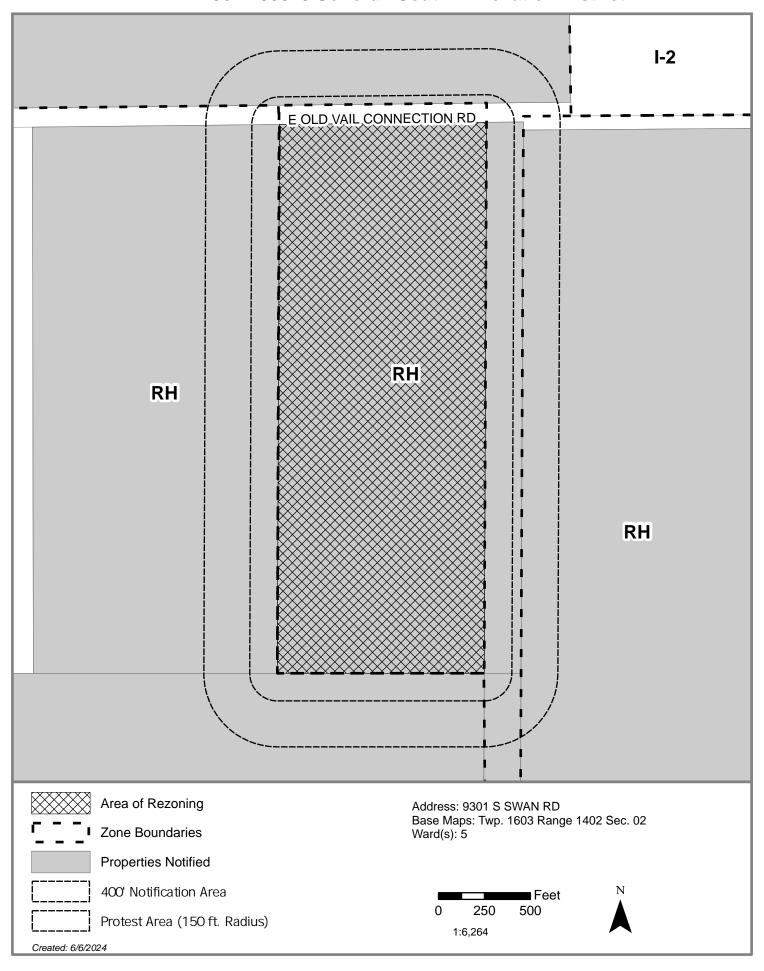


Ward(s): 5





TP-ENT-0624-00013 Sonoran South Annexation District





REZONING Preliminary Development Plan TP-ENT-0624-00013 Date 06/26/2024

Planning & Development Services

PLANNING & DEVELOPMENT SERVICES DEPARTMENT

ORIGINAL CITY ZONING APPLICATION

CASE NUMBER: Name: Sonoran South 0010						
and the second second		PART 1 GE	ENERAL INFORMATION			
OCZ Project Manager: Mike Czechowski Extension: 837-4058					837-4058	
Annexation	Public Hearing	date: 2/21/2024		Vote:	7-0	
Ordinance:	12078	Adoption dat	te: May 8, 2024	Vote:	7-0	
NECTO (VISSIAN) SURVEY OF	upanti Eniki Kalindali picassit koa landi	PART 2 PRC	PERTY INFORMATION		k141340913	
Current Zoning	Area (sq. ft or acres)	Curr	rent Development		sesso Code	
RH	79.97	Vacant	· · · · · · · · · · · · · · · · · · ·	303-70	-0010	5
(If more tha	n one property,	, please list separat	rely)			
Current zor	ning violations o	on the property: N	lone			
Will current	t development	be in compliance w	vith proposed City zoni	ing? Yes		
Any develo	pment agreem	ents on the proper	rty? No Ifyes, please	eattach.		
Is there a pr	oposed develop	oment plan or site	design? No If yes, ple	ase attach.		
		PART 3 CC	DUNTY INFORMATION			
	Please indicate	if the property has	any of the following ar	nd attach informat	ion re	equested:
┌ Plan A	mendments (Ca	ase number & nam	ne, current status, pur	rpose)		
Rezoni	ngs (Case numb	oer & name, curren	t status, zoning from a	and to)		
□ Board o	of Adjustment c	ases/variances (Cas	se number & name, cui	rrent status, purpo	se)	
┌ Any ot	her conditions	on the property				

PART 4 OVERLAY ZO	NES
Current County Overlays Historic Airport Environs (AEZ) Conservation Land System (CLS) Hillside/Protected Peaks and Ridges Major Streets & Routes (MS&R) Gateway	Possible City overlay zones Historic District/Landmark Airport Environs (AEZ) Environmental Resource (ERZ) Wash Ordinance (WASH) Hillside (HDZ) Major Streets & Routes (MS&R) SCZ scenic corridor zone
PART 5 MAP INFORMA	TION
Please attach map with legal description.	
PART 6 NOTIFICATION	NS

The project manager will receive notification of the Zoning Examiner public hearing and the scheduled and Council date. Please attach names and address' of anyone else that should receive notification.

Revised 01/06/13



May 6, 2024

Dear Property Owner,

The City of Tucson is in the process of an annexation of the Sonoran South 0010 District within 400 feet of your property. An informational meeting to discuss the translation of Pima County zoning to City of Tucson zoning will be held Wednesday, May 29, 2024. This meeting will be held online.

When: May 29, 2024, 04:00 PM Arizona

Register in advance for this meeting: https://us06web.zoom.us/meeting/register/tZYuc-6hqTsuEtUHbIDXuvAO9gv-Xj5e9Cdf

After registering, you will receive a confirmation email containing information about joining the meeting.

Per Arizona Revised Statutes 9-471.L, the City is required to adopt city zoning classification for these parcels that permits densities and uses no greater than those permitted in the County immediately before the annexation.

If you have written comments, please submit them to the Planning and Development Services Director @ 201 N. Stone Avenue, Tucson, AZ 85701.

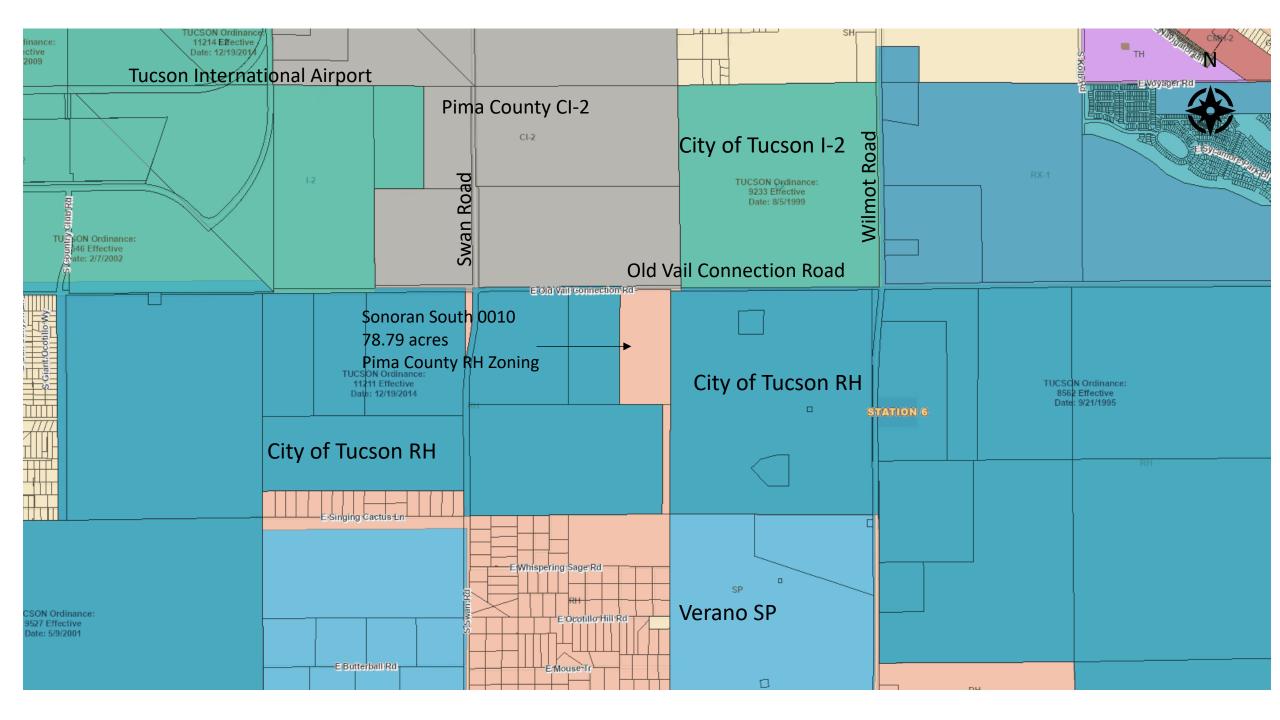
A location map is included for your reference. Please contact me if you have any questions @ (520) 837-4058.

Sincerely,

Mike Czechowski, CEcD **Economic Initiatives Project Manager**

520-837-4058







PROJECT NO. 230953 DATE: October 9, 2023

Sonoran South - Annexation District

That Portion of the Northeast Quarter of Section 2, Township 16 South, Range 14 East and the Southeast Quarter of Section 35, Township 15 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona lying within the following described boundary:

BEGINNING at a point on the northerly prolongation of the west line of that certain parcel as described in Sequence Number 20020720906, in the office of the Recorder, Pima County, Arizona, at its intersection with the northerly right of way of Nogales- Old Vail Connection Road as conveyed in Sequence Number 20113560012 in the office of the Recorder, Pima County, Arizona;

Thence easterly, upon said northerly right of way, to the intersection of a line parallel with and 200.00 feet westerly of the northerly prolongation of the east line of said Section 2, Township 16 South, Range 14 East, Gila and Salt River and Meridian;

Thence southerly, upon said parallel line, to its intersection with the south line of said parcel as described in Sequence Number 20020720906 being on the current corporate boundary to the City of Tucson as described in Ordinance Number 11211;

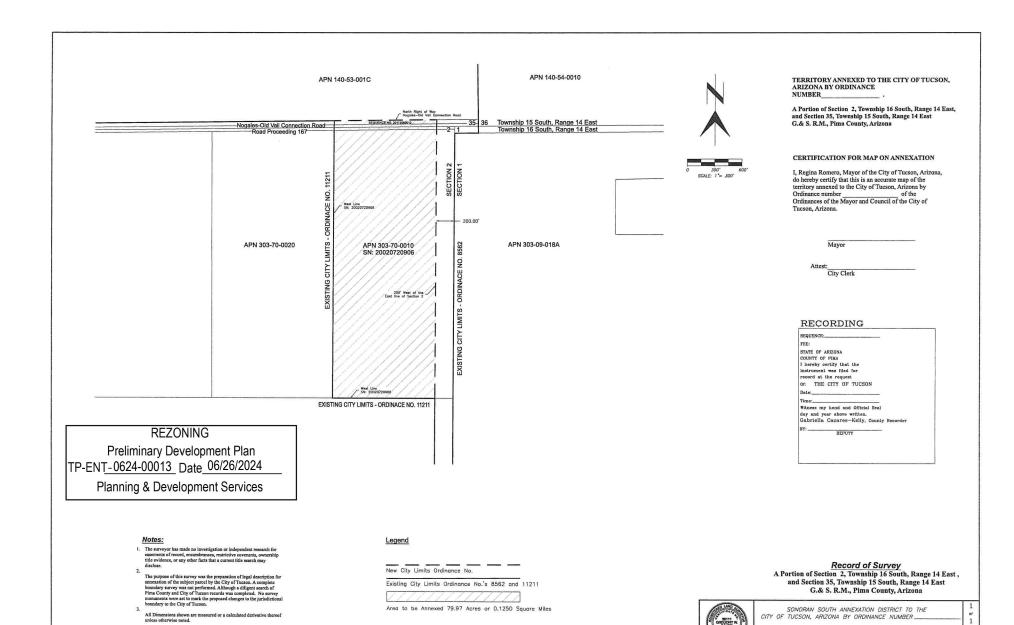
Thence westerly upon south line of said parcel and upon said current corporate boundary, to the southwest corner of said parcel;

Thence northerly upon the current corporate boundary to the City of Tucson and the west line of said parcel and its northerly prolongation to the **POINT OF BEGINNING.**

Said annexation contains 79.97 acres or 0.1250 square miles as described.

PREPARED BY: Alta Arizona Gregory Bauer, RLS





2023

2023

2023 REF. SEE GENERAL SCALE: 1"=300"

NOTES

CITY OF DIRWN. BY GWB CHKD. BY JPP

Pima County	Definition	Primary Use	Minimum lot area	Maximum Height	Tucson	Definition	Primary Use	Minimum lot area	Maximum Height
	Rural	Low density,				Rural	Low density,		
RH	Homestead	residential	180,000 sf	34 feet	RH	Homestead	residential	180,000 sf	30 feet



^{*} Per A.R.S. § 9-471 Section 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.

DATE: 5/30/2024

City of Tucson Planning & Development Services Rezoning Section 201 North Stone Avenue PO Box 27210 Tucson, AZ 85726-7210

SUBJECT: Neighborhood Mailing Certification

ACTIVITY NUMBER:

PROJECT LOCATION: Sonoran South 0010 Annexation

This serves to place on record the fact that on May 6, 2024, Mike Czechowski (date) (name)

mailed notice of the May 29, 2024 neighborhood meeting such that the notice was (date of meeting)

received at least ten (10) days-prior to the date of the meeting.

Signature: Date: 5/30/2024

Attachment: copy of mailing labels

Name Organization Ad Regina Romero Mayor 25 Richard G. Fimbre Ward 5 43

Address City, State, Email 255 W. Ala: Tucson, AZ 85701 4300 S. Pa: Tucson, AZ 85714

PARCEL MAIL1 MAIL2 MAIL3 MAIL4 ZIP 30370005B TUCSON AIRPORT AUTHORITY INC 7005 S PLUMER AVE TUCSON AZ 85756 140540010 UNITED STATES OF AMERICA FEDERAL BUREAU OF PRISONS 320 1ST ST NW RM 754 WASHINGTON DC 20534 14053001C GRANITE CONSTRUCTION CO PO BOX 50085 WATSONVILLE CA 95077



MAYOR & COUNCIL COMMUNICATION

April 9, 2024

Subject: Ordinance Adoption – Sonoran South 0010 Annexation District Page: 1 of 2 (Ward 5 and Outside City)

<u>Issue</u> – This is the final step in the annexation process for the Sonoran South 0010 Annexation District (Attachments A and B). The Mayor and Council are asked to adopt an Ordinance annexing the district (Attachment C). The annexation district will officially become part of the City of Tucson thirty days after Ordinance adoption.

City Manager's Office Recommendation – Staff recommends approval.

<u>Background</u> – The Sonoran South 0010 Annexation District, consisting of approximately 79.97 acres of real property, is located on the south side of Old Vail Connection Road, between Swan Road and Wilmot Road. The site is currently undeveloped property, owned by the Tucson Airport Authority, and is within the obligated water service area for Tucson Water.

A public hearing was held February 21, 2024. At the close of the public hearing, Mayor and Council directed staff to proceed with the annexation.

The Tucson Airport Authority (TAA) has been actively marketing several hundred acres of vacant industrial land in response to high demand for new industrial development. The Office of Economic Initiatives continues to work with our partners at TAA to attract new employers, and help existing employers expand their operations. TAA believes annexation is beneficial as it provides clarity regarding development entitlements and process and allows a firm or developer to be considered for City of Tucson economic development incentives.

Water service shall be provided only upon completion of the annexation. Tucson Water maintains existing infrastructure in the area to support industrial development. Any required improvements shall be funded by the developer.

Annexation of vacant or mostly vacant land allows the City of Tucson to manage the plan review, permitting, and development process. Property developed within the City is subject to permit fees, impact fees, and construction sales tax. Owners of real property within the City may be subject to use tax, utility tax, property tax, and commercial lease tax.

<u>Present Consideration(s)</u> – The property is owned by the Tucson Airport Authority, which is exempt from property tax. There are no other taxable properties within the annexation district. TAA has provided a letter of support for the annexation (Attachment D).

Water service shall be provided only upon completion of the annexation. Future development will result in the collection of permit fees, impact fees and construction sales tax to offset the cost of City services. Any public infrastructure improvements required as a result of new construction shall be completed by the developer.

MAYOR AND COUNCIL COMMUNICATION

Ordinance Adoption – Sonoran South 0010 Annexation District (Ward 5 and Outside City)

<u>Plan Tucson Consideration(s)</u> – This item relates to the Element of Land Use, Transportation, & Urban Design. Specifically, this item is supported by the following policy:

LT19 – Pursue annexation of vacant, underdeveloped, and developed land that is within both the adopted Water Service Area and the Municipal Planning Area, taking into consideration the development/growth potential, projected revenues to be received and projected costs and capability to serve the area, and the strategic importance of the area.

Comprehensive Economic Development Strategy (CEDS) -

Goal 2 – Attract investment to diversify Tucson's economy.
 Priority 2.6 – Execute and create an annexation and site-development strategy.

<u>Financial Considerations</u> – The Fire, Police, Water, and Transportation Departments were asked to evaluate the financial impact of providing service to this annexation district at the same level of service that is currently provided to existing City residents and businesses. Costs to serve this area without any improvements are minimal due to its undeveloped state. As the Tucson Airport Authority sells land and development occurs, construction sales tax, impact fees and utility, property and retail taxes will be generated to offset future costs. Tucson Fire and Tucson Police will not require additional resources for this area, as they have appropriate staffing levels in anticipation of growth and expansion in this portion of the City. New development within the annexation district will pay for transportation improvements required as a result of that development. No water improvements will be needed in current condition; however, any new utility infrastructure required as a result of development shall be funded by the developer.

<u>Legal Considerations</u> – This ordinance adoption is scheduled pursuant to State Statute A.R.S. § 9-471 et. seq. regarding public notification process for proposed annexation.

Respectfully submitted,

Page: 2 of 2

Michael J. Ørtega, P.E.

City Manager

MJO/MC

City Manager's Office

Attachment(s): Attachment A – Tucson Airport Authority Support Letter dated March 19, 2024



Sonoran South Original City Zoning Neighborhood Meeting Via Zoom Wednesday, May 29, 2024 4:00 pm-5:00 pm

Staff present:

1. Mike Czechowski, Senior Project Manager

Notes:

Attendees: John Voorhees, Tucson Airport Authority, Scott Robidoux, Tucson Airport Authority, (TAA Property owner)

- 1. Noted that County RH allows 34' height, while City allows 30'
- 2. Not other comments or concerns

Sincerely,

Mike Czechowski, CEcD Economic Initiatives Project Manager 520-837-4058



20241300202

ORDIN 05/09/2024 10:17:19 AM Page: 1 of 6 Gabriella Cázares-Kelly Recorder OFFICIAL RECORDS OF PIMA COUNTY, AZ 關門 MA MR MPLET EN MATTER TO THE MEMBER

CERTIFICATE OF CLERK City of Tucson

State of Arizona County of Pima ss

I, Suzanne Mesich, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify pursuant to Tucson Code § 2-102 that the following is a true and correct copy of Mayor and Council Ordinance No. 12078, which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on April 9, 2024, at which a quorum was present.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on, May 8, 2024.

Total of 5 page(s) certified.

hisanno Mesurl City Clerk

ORDINANCE NO. 12078

RELATING TO ANNEXATION; EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF TUCSON, PIMA COUNTY, ARIZONA PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES, BY ANNEXING THERETO THE SONORAN SOUTH 0010 ANNEXATION DISTRICT PROPERTY, MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE.

WHEREAS, a petition in writing has been presented to the Mayor and Council of the City of Tucson, Arizona, signed by the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the City of Tucson in the event of annexation as shown by the last assessment of this property, and which territory is contiguous to the City of Tucson and is not now embraced within its corporate limits, asking that this territory, more particularly described hereinafter, be annexed to the City of Tucson; and

WHEREAS, the Mayor and Council of the City of Tucson, Arizona, wishes to accept and comply with this petition and extend and increase the corporate limits of the City of Tucson to include this property; and

WHEREAS, the petition sets forth a true and correct description of all the exterior boundaries of the entire territory proposed to be annexed to the City of Tucson and had attached to it at all times an accurate map of the territory desired to be annexed; and

WHEREAS, no additions or alterations increasing or reducing the territory sought to be annexed have been made after a petition had been signed by any owner of real and/or personal property in this territory; and

WHEREAS, a copy of the petition has been timely filed with the Pima County Recorder and proper and sufficient certification and proof of the foregoing facts are on file in the office of the City Clerk of the City of Tucson; and

WHEREAS, upon annexation the City shall adopt zoning classifications for the annexed area that permit densities and uses no greater than those permitted by the County prior to annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The territory described in Exhibit A, attached hereto, and which by reference is made a part hereof as though fully set forth at length herein, is hereby annexed to the City of Tucson, and the present corporate limits of the City are hereby extended and increased to include the territory described in Exhibit A.

SECTION 2. That pursuant to A.R.S. Section 9-462.04(E), Pima County zoning existing as of the effective date of this Ordinance upon the territory described in Exhibits A and B, attached hereto, shall continue in effect until original City zoning shall become effective upon that territory, but in no event longer than six months after annexation.

SECTION 3. That a copy of this Ordinance, together with attached Exhibit A, Annexation District Map, and Exhibit B, Legal Description, hereby annexed to the City of

Tucson, certified by the Mayor of the City of Tucson, be forthwith filed and recorded in the office of the County Recorder of Pima County, Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, April 9, 2024.

MAYOR

ATTEST:

SML41CL/ CITY CLERK

APPROVED A TO FORM:

CITY ATTORNEY

CA/dg 3/25/24 REVIEWED BY:

CITY MANAGER

Exhibit A to Ordinance No. 12078

SEQUENCE #



PROJECT NO. 230953 DATE: February 22, 2024

Sonoran South - Annexation District

That Portion of the Northeast Quarter of Section 2, Township 16 South, Range 14 East and the Southeast Quarter of Section 35, Township 15 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona lying within the following described boundary:

BEGINNING at a point on the northerly prolongation of the west line of that certain parcel as described as Parcel 2 in Sequence Number 20020720906, in the office of the Recorder, Pima County, Arizona, at its intersection with the northerly right of way of Nogales- Old Vail Connection Road as conveyed in Sequence Number 20113560012 in the office of the Recorder, Pima County, Arizona;

Thence easterly, upon said northerly right of way, to the intersection of a line parallel with and 200.00 feet westerly of the northerly prolongation of the east line of said Section 2, Township 16 South, Range 14 East, Gila and Salt River and Meridian;

Thence southerly, upon said parallel line, to its intersection with the south line of said Parcel 2 as described in Sequence Number 20020720906 being on the current corporate boundary to the City of Tucson as described in Ordinance Number 11211;

Thence westerly upon south line of said parcel and upon said current corporate boundary, to the southwest corner of said parcel;

Thence northerly upon the current corporate boundary to the City of Tucson and the west line of said parcel and its northerly prolongation to the POINT OF BEGINNING.

Said annexation contains 79.97 acres or 0.1250 square miles as described.

PREPARED BY: Alta Arizona Gregory Bauer, RLS



Approval – Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of ¾ of the Mayor and Council (5 of 7 council members) to approve the Original City Zoning translation. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: TP-ENT-0624-00013 Sonora	n South Annexation (Ward 5)				
Property Owner(s) (PLEASE PRINT		☐ APPROVE the proposed rezoning/special exception ☐ PROTEST the proposed rezoning/special exception			
Reason:					
OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS			
Date					

Place Stamp Here

City of Tucson **Planning and Development Services Department Entitlements Section** 201 N. Stone P.O. Box 27210 Tucson, Arizona 85726-7210

TP-ENT-0624-00013 SP

Expose this flap - Affix stamp and return



City of Tucson Planning and Development Services Department - Entitlements Section 201 N. Stone Avenue P.O. BOX 27210 PLANNING & Tucson, Arizona 85726-7210