



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: April 3, 2019

TO: Planning Commission

FROM: 
Scott Clark
Executive Secretary

SUBJECT: *South Pantano Area Plan* Amendment PA-18-05, Amendment to Allow Industrial Uses
Public Hearing (Ward 4)

Issue: This is a request by the property owner, Harvey Laurence E. Jr. Irrevo GSTT TR, to amend the *South Pantano Area Plan (SPAP)*. The applicant proposes to operate an inert landfill and salvaging/recycling (i.e., outdoor materials crushing for sale and re-use and green waste/mulch production) on a currently closed 55-acre sand and gravel pit at 4200 S. Harrison Road, 2,500 feet northwest of the Harrison Road/Irvington Road intersection. The facility would be for-profit and open to the public. Once the pit is filled the property is expected to be a developable site for other types of uses.

The proposed amendment is to allow Industrial uses (I-2) in *Subarea Six of the South Pantano Area Plan*. The future land use called out in the *SPAP* for *Subarea Six* is “Park Industrial use (PI) integrated with residential, commercial, and recreational development where it is feasible to rebuild the soil to stable conditions” (*SPAP*, pg. 33). Attachments *A1* and *A2* provide maps showing the *SPAP* boundary and location and the subject site boundary and location respectively.

The subject site is currently zoned Suburban Ranch (SR) and must be rezoned to allow for the proposed land uses. A plan amendment is required since a proposed rezoning must be in conformance with adopted plan policies before an application may be accepted for processing.

Recommendation: Staff recommends the Planning Commission forward the proposed plan amendment to the Mayor and Council with a recommendation to revise the *South Pantano Area Plan* to amend the *SPAP/Subarea 6* by adding new language that supports industrial use as an interim use on the site to enable the soil to be rebuilt to stable conditions, so that future “Park Industrial use integrated with residential, commercial and recreational development” as specified in the *SPAP* can be realized. While the need for the soil to be rebuilt was acknowledged as a necessary step in the *SPAP*, no provisions were made that would allow the industrial designation needed to undertake the activities required to rebuild the soil. To accommodate both the interim and future uses, staff is suggesting that a flexible zoning tool, such as a Planned Area Development (PAD), be pursued.

Applicant’s Request: The applicant is requesting to amend the *SPAP/Subarea Six* by adding new language that supports industrial uses on the subject site. An industrial use designation and the proposed project would allow the existing pit to be filled and rebuilt to the elevation of the surrounding lands with stable soil conditions. This would allow possible future “Park Industrial use integrated with residential, commercial, and recreational development.” *Attachment B* presents the relevant *SPAP* policy language, and *Attachment C* provides the proposed revisions to that language.

Study Session: On February 13, 2019, Planning Commission held a Study Session on this plan amendment request. Both staff and the applicant's representative made presentations. Following the presentations, Planning Commission members asked questions seeking clarification and additional information. Among the topics raised were: existing zoning of the site; definition of inert material; water studies of area; other landfills in the community that have closed down thereby creating a need; flood prone areas; and neighbors' issues. The staff and applicant addressed these questions, with staff noting that at the time of the rezoning many issues could be addressed as conditions.

A Planning Commissioner suggested that the two parcels comprising the site be highlighted on the Subarea 6 map so that the subject site could be identified without the parcel numbers. Staff has included this revision in the Plan Amendment (see *Attachment C*).

Existing Zoning and Land Uses: As previously noted, the subject site is currently zoned Suburban Ranch (SR). The sand and gravel pit on the site began as an extraction pit many years prior to the property's annexation into the city of Tucson in 1987. The deepest point in the pit is in its southern half, where it is approximately 120 feet deep. The northern portion of the site is where the old buildings and truck scale were previously located. Today, the only remnants of the buildings are the concrete slabs. Significant earthen berms screen the parcel along the entire north side, three-quarters of the west side, and along Harrison Road on the east. The main entry to the site is at the northeast corner, where a substantial steel gate is inset approximately 200 feet from the property line.

The existing zoning immediately north, south, and east of the subject site is also SR. The zoning in the area west of the site is Residential (R-2). Zoning adjacent to the SR zone includes a small amount of Recreational Vehicle (RV) to the northwest; Mobile Home (MH-1) to the southeast, and a small amount of Residential (R-3) and Commercial (C-1) to the southwest. Existing land uses in the vicinity of the subject site include: (a) Pantano Wash to the north, with a developed residential lot on the north side of the wash; (b) Harrison Road to the east, with a developed residential lot and Raven Ranch, an animal production, use on the east side of the road; (c) a closed landfill currently used as a BMX bicycle track to the south; and (d) vacant State of Arizona Trust Land to the west. Attachment D shows the existing zoning of the subject site and surrounding area.

Land Use Policy Direction: Policy direction is provided by *Plan Tucson, City of Tucson General & Sustainability Plan / 2013* and the *South Pantano Area Plan (SPAP) / 1984*. *Plan Tucson* policies are long-term, broad-based, and apply to the entire city, whereas *SPAP* policies are more narrowly focused and apply only to the area covered by the area plan. Key policies are summarized below. *Attachment E* provides a more detailed policy listing.

Plan Tucson, City of Tucson General & Sustainability Plan / 2013. The *Plan Tucson* Future Growth Scenario Map (LT-7, pg. 3.144) shows the subject site area in the "Existing Neighborhoods Building Block." This "block" is defined in *Plan Tucson* as "existing neighborhoods...primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades" (LT-8, pg. 3.145). An applicable guideline associated with the Existing

Neighborhood Building Block states, “Support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent lands uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community” (LT28.2.12, pg. 3.155).

Plan Tucson also includes policies in several of the plan’s elements that are applicable to the proposed project. The *Public Safety* element includes policies related to reducing potential harm to life and property from hazards resulting from human activities through preventative measures and prioritizing property maintenance and order as a preventative measure against crime and disorder. The latter is relevant because the site currently has many trespassers, which requires frequent police and fire department involvement. The proposed project is also in line with a *Regional and Global Positioning* element policy. That policy calls for rezoning requests in the vicinity of Davis-Monthan Air Force Base to be compatible with the military and aviation operations. Under the *Environmental Quality* element there is a policy promoting recycling, which is one of the uses proposed.

South Pantano Area Plan (SPAP) / 1984: The 19-square-mile area covered by the *South Pantano Area Plan* is bounded on the north by Golf Links Road, on the south by Los Reales Road, and on the east by Harrison Road and Melopmene Way. The *SPAP* was last amended on June 7, 2005 (Resolution #20101) to ensure consistency with the *Houghton Area Master Plan*, which superseded areas of the *SPAP*.

The stated goal of the *SPAP* is “to provide guidelines for proposed development, to protect existing development, and to create a sense of community within established neighborhoods.”

The *SPAP* general policies are organized into land use categories, with each category containing sub-goals and related policies. Additionally, the area plan calls out eight subareas, each of which addresses specific situations and parcels. A brief profile is provided for each subarea, followed by the proposed use. Subarea Six, in which the subject site is located, consists of approximately 300 acres of mostly State Trust Land and is used for sand and gravel extraction and processing activities and landfill operations. The *SPAP* recognizes that the closed sand and gravel pits include soils that have been substantially disturbed by extraction operations creating pits and low areas that often adversely affect flood prone areas. The *SPAP* includes a section titled “Development on Old Landfill Sites,” which calls for safe development on or adjacent to landfill sites since developing on these inactive sites require substantial amounts of soil replacement and engineered stabilization to support future development.

Supportive *SPAP* general goals and policies include: providing opportunities for Industrial and Park Industrial development; ensuring the availability of adequate services and proper siting for industrial developments; and following General Plan criteria for industrial uses. The latter include convenient access to highway and that parking, loading, and maneuvering requirements are met on-site.

Public Contact: The applicant held the required neighborhood meeting on Monday, October 29, 2018, 5:30 - 6:00 pm, at the subject site (4200 S. Harrison Road). No one signed in for the meeting. Applicant waited until 5:45 pm before leaving. The applicant has indicated that conversations have been held with neighbors.

Prior to the Study Session, staff received one letter and two emails with concerns regarding the proposal. These concerns include potential impacts related to noise, odor, fire potential, property values, traffic on Harrison Road, the bicycle path, and possible additional roadside trash.

Present Considerations: The immediate challenge for this proposed project is that neither the existing SR zoning applicable to the subject site nor the *SPAP* proposed Park Industrial (PI) zoning applicable to the future development of the subject site allow for any interim processes to fill in the existing pit and stabilize the soil in order to support future development. The proposed inert landfill and salvaging/recycling uses are only allowed in the I-2 zone through a Special Exception or in a Planned Area Development (PAD) rezoning. Subsequent to the *SPAP*'s adoption in 1984, there has been ongoing development in the South Pantano area, and sites, such as the subject site, are of increasing interest for their future development potential. However, as stated previously, the pit on the subject site will need to be filled and the soil stabilized before future development can be contemplated, which is the end goal of the proposed project.

The applicant notes that the proposed uses are generally the same as the non-conforming extraction use that was formerly conducted on the property, but instead of excavation, the pit will be filled. The operations will entail commercial and passenger-type vehicles and trailers entering and exiting the property; the use of standard-sized construction equipment such as loaders and water trucks to separate, distribute, bury and compact the material in the landfill; and a self-contained machine that for a week every six months will be used to crush materials appropriate for recycling. The applicant states that noise generated by the proposed uses would be generally the same as noise produced by the former extraction use. Noise within the landfill is expected to be adequately attenuated by the depth of the landfill and the high earthen berms that screen the perimeter of the site. A small site office, new truck scale, and paved parking area will be inset approximately 350 feet and located on the north side of the property to provide adequate separation from the residential zoning east of Harrison Road and from the residence at 9527 E. Millimar Road. Dust will be kept to a minimum with the consistent use of water.

If the proposed amendment to the *SPAP* is successful, the applicant intends to follow up with a request for rezoning which would allow the proposed landfill and salvaging/recycling uses proposed. The applicant's proposal of landfill and salvaging on the site should be considered an interim use, once the pit is filled, a future use is expected to be proposed for the now vacant land. The applicant has suggested commercial recreational vehicle (RV) storage. Under the current Unified Development Code (UDC), only the I-2 zone allows the operations needed to move from an extraction pit to a landfill that could eventually become a future development site. The UDC defines the I-2 zone as heavy industrial uses that are generally nuisances, making them incompatible with most other land uses. Typical uses include extraction, general heavy manufacturing, hazardous material, heavy equipment and sales, and swap meets. However, while I-2 zoning is needed to allow the pit to be filled, staff has concerns about mapping this zone in a largely residential area, where more residential is currently under consideration on Arizona State Land property immediately west of the subject site. A Planned Area Development (PAD) could allow eventual realization of Park Industrial uses proposed in the *SPAP* and contemplated by the applicant as a future use once the pit is filled. Park Industrial would be more compatible with the residential uses in the area of the subject site than heavy industrial uses permitted in the I-2 zone.

A PAD could also allow desired land uses, as well as ensure better landscaping, and provide buffering standards to mitigate negative impacts of the proposed uses on nearby residential properties. As a flexible zoning tool, the PAD allows the phasing for the interim use of an inert landfill and salvaging/recycling (i.e., outdoor materials crushing for sale and re-use and green waste/mulch production) which is only allowed in the I-2 zone. Once the soil is rebuilt and stabilized, the future land uses should be consistent with those allowed under the Park Industrial zone called out in the *SPAP*, Subarea 6. Rezoning to a PAD could achieve the applicant's development objectives, and will be considered further by the applicant and staff if the proposed plan amendment is approved.

Conclusion: Staff recommends the Planning Commission forward the proposed plan amendment to the Mayor and Council with a recommendation to revise the *South Pantano Area Plan* to amend the SPAP/Subarea 6 by adding new language that supports industrial uses as interim uses on the site to enable the soil to be rebuilt to stable conditions, which was acknowledged as a necessary step in the SPAP, but for which no provisions were made.

Findings:

- Proposal is consistent with *Plan Tucson*
- Proposal is in alignment with the SPAP policy direction for Subarea 6, which addresses the need for rebuilding the soil to stable conditions in areas disturbed by extraction operations in order to support future developable land for “Park Industrial use integrated with residential, commercial and recreational development.”
- Proposed landfill operations would rebuild the soil to stable conditions for potential future development.
- While the SPAP makes no provision for rebuilding the soil to stable conditions, the proposal offers an approach that would allow the pit to be filled in by providing Industrial (I-2) zoning as an interim use, with the goal of creating developable land for future Park Industrial use integrated with residential, commercial and recreational developed as specified in the SPAP for Subarea 6.
- To accommodate a phased approach to interim Industrial and future Park Industrial uses, a flexible zoning tool, such as a Planned Area Development (PAD), should be pursued.

Attachments:

- A1: Location Map
- A2: Aerial Map
- B: Existing *South Pantano Area Plan/Subarea Six* Text
- C1: Proposed Plan Amendment Language
- C2: Proposed Plan Amendment Minor Map Revision for Clarification
- D: Existing Zoning Map
- E: Land Use Plan Policies
- F: Application and Materials
- G: Public Contact