



Zoning Examiner

Preliminary Report

April 24, 2024

Keri Silvyn

Lazarus & Silvyn LLC

5983 E. Grant Road, Suite 290

Tucson, AZ 85712

Rob Longaker

The WLB Group

4444 E. Broadway Blvd

Tucson, AZ 85711

SUBJECT: TP-MOD-0623-000018 H2K PAD – Major Change (Ward 4)

Public Hearing: April 17, 2024

Dear Ms. Silvyn and Mr. Longaker

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-MOD-0623-000018 H2K PAD – Major Change (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.

TP-MOD-0623-000018 H2K PAD – Major Change (Ward 4)



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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 a request by WLB Group and Lazarus & Silvyn LLC, representing the Arizona State Land Department (ASLD), for a Major Change to the H2K PAD (PAD-45). The Applicant proposes to add three annexed areas totaling approximately 300 acres, to the PAD area and include additional buffering requirements to the area adjacent to Acacia Elementary School.

The H2K PAD is a 2,160-acre industrial campus that spans between Houghton Road and Colossal Cave Road, on the north side of Interstate 10. The modification request would add three newly annexed parcels (Cody, Gabriel, and Jay) (See case location map) totaling 302 acres to the PAD area.

The additional areas would be subject to the development standards already established in the H2K PAD. Scenic corridor zone requirements will continue to be met along Houghton and Colossal Cave Roads. All manufacturing activities will take place indoors and loading areas will be screened from view.

The modification also enacts new development standards in the vicinity of Acacia Elementary School and Cactus RV Park. The area west and south of Acacia Elementary School to 400 feet, and the area 900-1000 feet to the Julian Wash open space corridor, shall be restricted to 40 feet in height, and uses from the Industrial Land Use Group in the P-I and I-1 zones shall be prohibited. The area 300 feet east, south, and 400 feet west around Cactus Country RV will also be development-restricted to the same standards. Exhibit R to the PAD document details the location of the permitted use, buffer, and height restriction area. A 5-foot wall is required on the H2K PAD side of the buffer. The buffer includes a 50' natural undisturbed space buffer surrounding both the Acacia Elementary School and Cactus Country RV Park. Should the RV Park no longer be in operation, the buffer will no longer be required around the RV Park site.

Background Information

Existing Land Use: Vacant



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Zoning Descriptions:

Existing: Planned Area Development (PAD): Enables and encourages comprehensively planned development in accordance with adopted plans and policies. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the Unified Development Code (UDC), any other PAD District, or other zoning districts. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

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, a County Medium Arterial Roadway

South: County RH, Interstate 10 easement

West: County RH, Interstate 10 easement

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



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Applicant's Request – Amend the H2K PAD to add 302 acres and establish buffer areas around Cactus Country RV Park and Acacia Elementary School providing for natural open space and use restrictions, as outlined above.

Planning Considerations – *Plan Tucson (PT)* and the *Rincon Southeast Subregional Plan, Map Detail #9 (RSSP)* provide policy direction for the rezoning site.

Plan Tucson: The proposed site is within an area identified in *PT* as “Southlands.” The Southlands building block is a long-term growth area formed by large tracts of undeveloped land located at the southeastern and southern perimeters of the city. A portion of the northwestern corner along Houghton Road is identified as “Business Centers.” The H2K PAD is an effort to promote orderly phased development reflecting sustainable and innovative community design. This major modification is aligned with the *Plan Tucson* goals

Rincon/Southeast Subregional Plan: This PAD complies with the Rincon/Southeast Subregional Plan. The subject property is shown on the land use map as Community Activity Center, Medium High Intensity Urban and Resource Conservation. The expanded area, riparian areas, and restricted development zones included in the modification are consistent with these land use categories.

Edmond Station Area Plan: The PAD is compliant with the Edmond Station Area Plan. Plan policies include ensured availability of adequate services and industrial developments which are compatible with surrounding uses.

Public Input – The Applicant held a neighborhood meeting on January 17, 2024 at Empire High School in Vail, Arizona. The meeting invitation was sent to all property owners within 400 feet of the property and all neighborhood associations within one mile of the property using a city-generated mailing list. Additionally, all property owners within the adjacent Hanson Ridge Subdivision were sent meeting invitations.

The meeting was attended by 20 neighboring property owners, 2 people from the Ward 4 office, and five project team members. Concerns raised by attendees focused on future truck and other traffic impacts. Attendees also requested information about the Noise Control District line on the PAD Development Unit Plan. It was stated that this line referred to the Davis Monthan Air Force Base Environs and not established by the PAD itself.



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Concern was expressed about the PAD's proximity to Acacia Elementary School and the use of Trotter Sisters Road, used by local children to walk to school. The Applicant team outlined the development restriction zones applied to this area, alleviating this concern.

Attendees asked about hazardous materials manufacturing, it was expressed that the H2K PAD prohibits the manufacturing of such materials.

Attendees asked why some neighbors were not informed of the 2022 rezoning. The original PAD rezoning occurred prior to the development of many of the Hanson Ridge Subdivision Homes, and so these neighbors did not live in the area during that rezoning process. Attendees asked about the 400-foot notification area, which the applicant team explained also included neighborhood associations within one mile and the Ward office. The notification area was also expanded to include the Hanson Ridge Subdivision.

Attendees expressed concern about impact to property values and negative impacts to subdivision lots facing Julian Wash. It was explained that Julian Wash will be preserved and enhanced with transplanted vegetation. The wash varies in width from 350 to 2000 feet, which also provides significant separation between development areas and existing residential uses.

The Cactus Country RV Park manager expressed concerns about impacts to permanent and seasonal residents, which were acknowledged by the applicant team. The team committed to a follow-up meeting with the property owner and general manager, and regulations were added to the H2K PAD providing buffering and a development transition area between future development and the RV Park.

Attendees had general questions about addressing of the PAD, development timelines, and if some ASLD property could be purchased for expansion of the school site. It was explained the School District is aware of the process with ASLD to purchase or lease property in the Cody annexation parcel. ASLD committed to further discussion on this issue with the school district.

Discussion – The H2K PAD was approved by Mayor and Council in 2022 to create the original 2,160-acre PAD establishing an industrial campus development on Arizona State Trust Land. This PAD established a contiguous development area with specific use and development standards to fulfill the land use goals of *Plan Tucson* and the *Rincon/Southeast Subregional Plan*. It creates the development framework for significant increases in Tucson's industrial capacity, economic output, and total employment availability. It also ties in industrial development with multiple transportation corridors including Interstate-10, railroad freight lines, and the proposed Sonoran Spur highway connecting Interstate-10 and Interstate-19 south of the Tucson International Airport.



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April 17, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the April 17, 2024, Zoning Examiner hearing. Seven other persons spoke, and raised issues regarding traffic on Colossal Cave Road, noise from the existing railroad crossing, the proximity to and impact on Acacia Elementary School, and concerns regarding possible use of hazardous materials in future on-site manufacturing. A representative of the Coalition for Sonoran Desert Protection noted the Applicant's agreement to add further measures to protect the Julian Wash and expressed her support for the PAD amendment.

The Applicant responded and stated that there would be no manufacturing of hazardous material and all manufacturing would be done within buildings; traffic studies and detailed traffic analyses will be performed as part of the planning process once potential users of the property are identified; and extensive buffering and development restrictions would protect Acacia Elementary School.

As of the date of the Zoning Examiner hearing, there were two (2) written approvals and twenty-three (23) written protests.

Conclusion – The Applicant's request increases the size of the PAD area consistent with plan policy, while also providing development restriction zones around existing residential and civic use areas.

The proposed major change to the H2K PAD is consistent with, and supported by, the policy direction provided by *Plan Tucson* and the *Rincon/Southeast Subregional Plan* and meets the intent of the H2K PAD. Approval of the major change is appropriate conformant to the following conditions:

Historic – Class III archaeological survey shall be completed by a qualified archaeological firm permitted by the Arizona State Museum on the entire site prior to any development (including grading, trenching, or digging). If cultural resources are identified during the survey, a mitigation strategy such as avoidance and/or data recovery would be developed and implemented prior to construction. Plans for mitigation should be reviewed by the City Historic Preservation Officer. If any archaeological remains are discovered during project work, all work will stop within the area of the remains and Arizona State Museum will be contacted. Future purchasers of land will also be required to meet any City of Tucson requirements regarding cultural resources. "

ADOT - The Department will need to review the Master Traffic Study for the area when it becomes available, typically any roadway or driveway connection within 1 mile of the



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Interstate/Frontage Road/Ramp. Per ADOT's Roadway Design Guidelines, Access Control measures will need to be considered near the Houghton Road and Colossal Cave Road TI's.

Sincerely,

John Iurino

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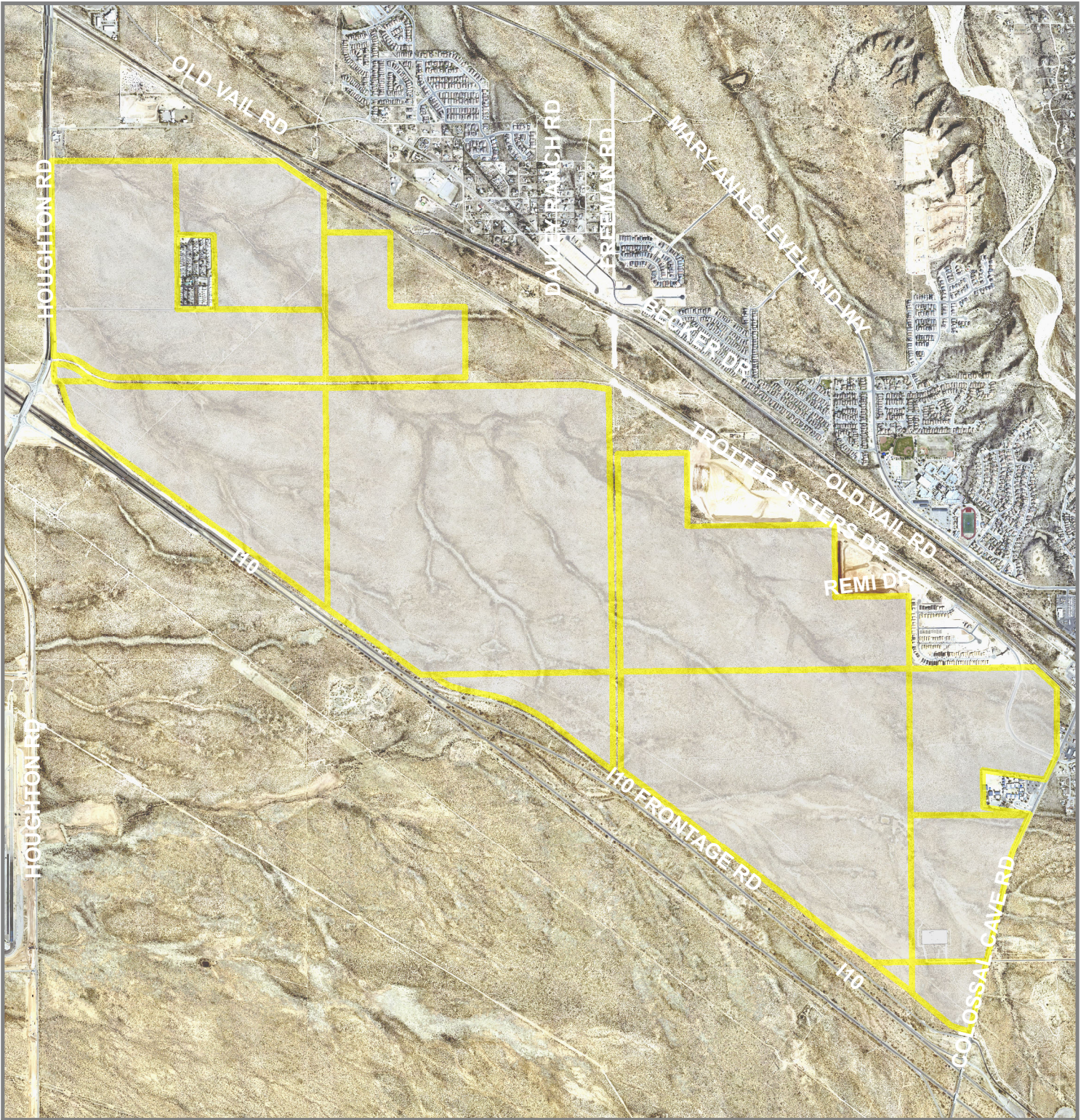
ATTACHMENTS:


Case Location Map

Rezoning Case Map

Cc: Mayor and Council

TP-MOD-0623-000018 H2K PAD
Rezoning Request: From (I-2 and RH to PAD)



 Area of Rezoning (I-2 and RH to PAD)

Address: 11401 E Benson Hy and
12733 E Colossal Cave Rd

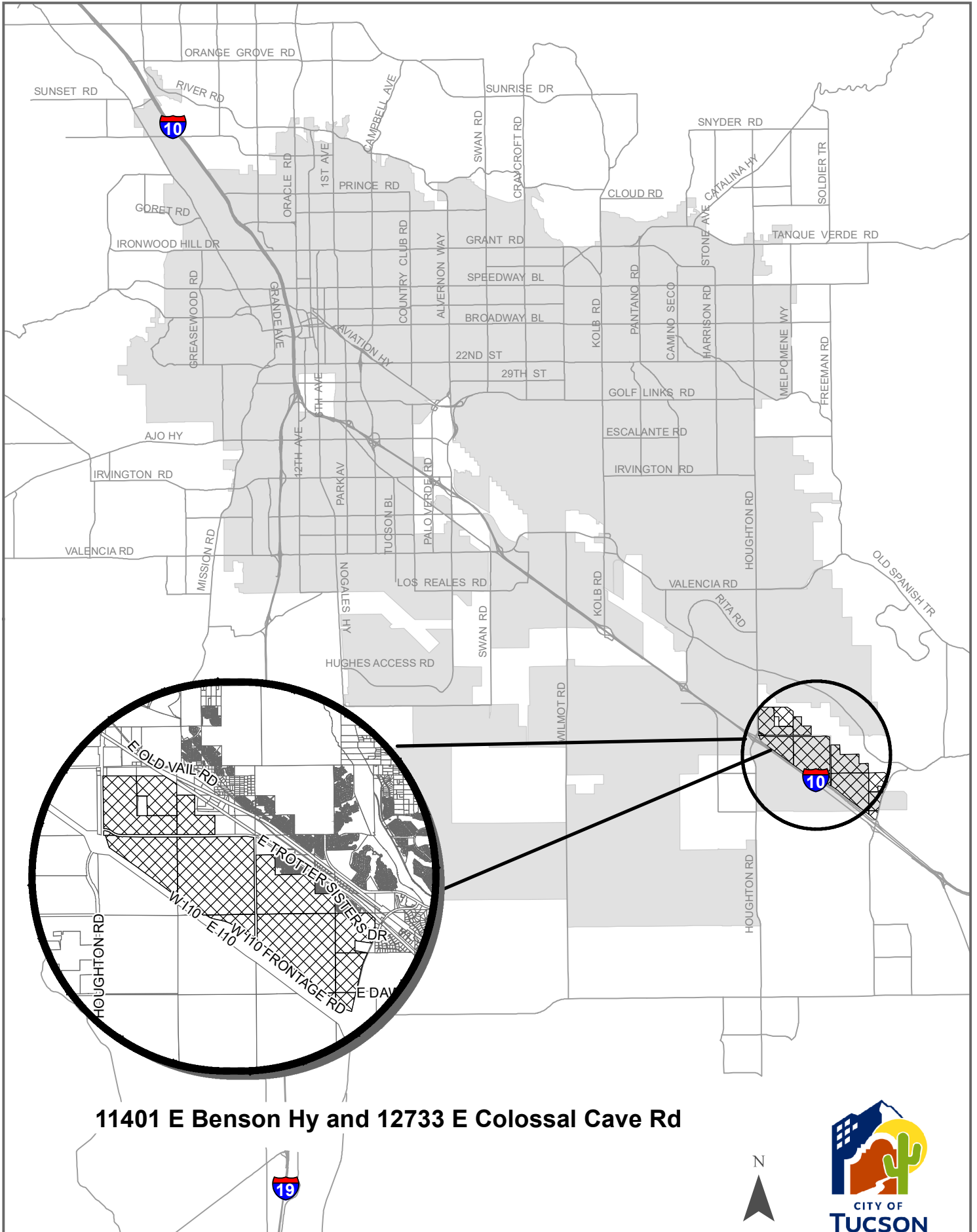
Ward: 4



0 1,250 2,500 Feet
1 inch = 2,504.54715 feet



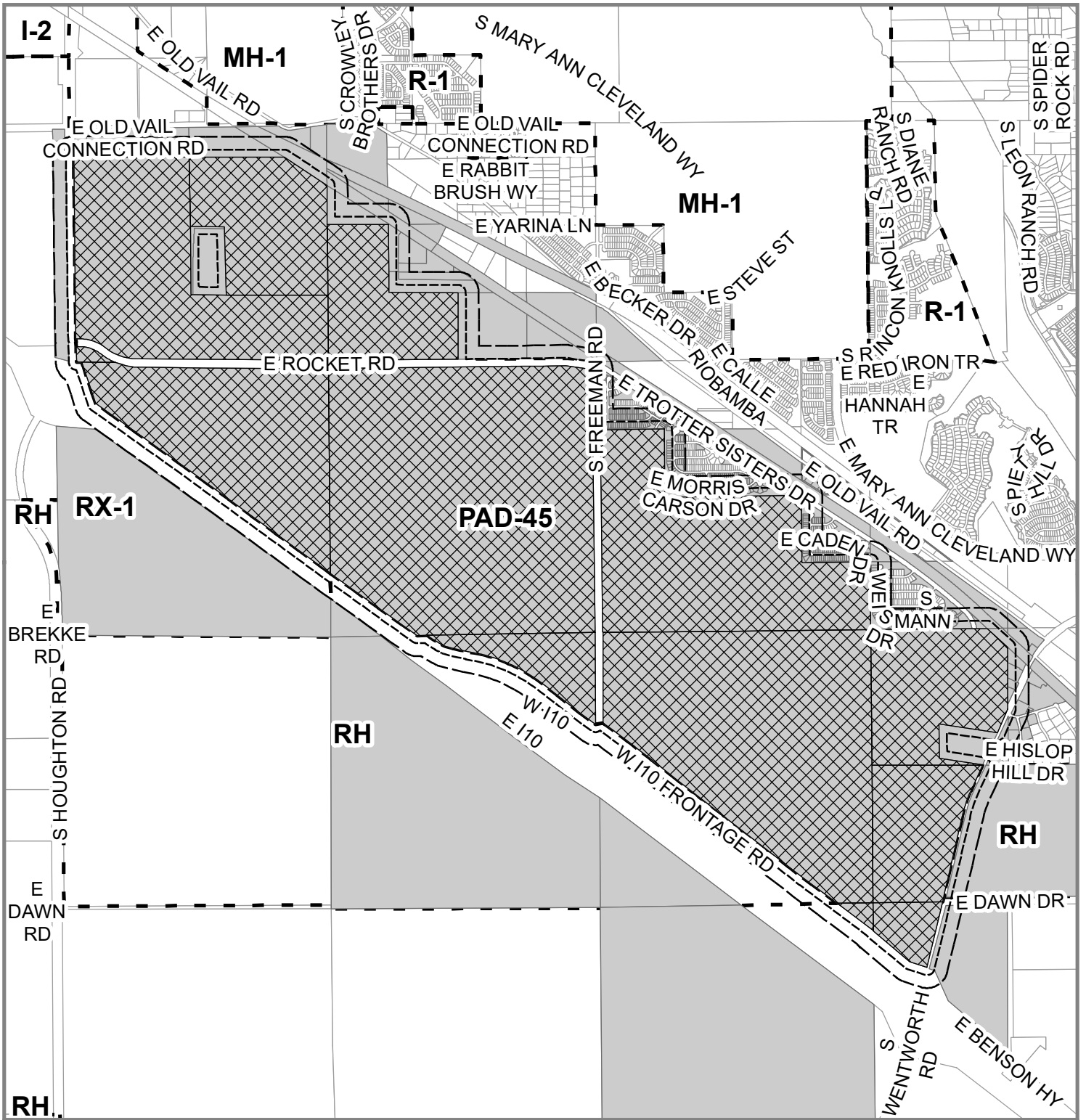
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11401 E Benson Hy and 12733 E Colossal Cave Rd

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Rezoning Request: From I-2 and RH to PAD



- Area of Rezoning (I-2 and RH to PAD)
- Protest Area (150 ft. Radius)
- Notification Area (400 ft. Radius)
- Properties Notified
- Zone Boundaries

Address: 11401 E Benson Hy and
12733 E Colossal Cave Rd
Ward: 4

