




# MEMORANDUM

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DATE: March 6, 2024  
For March 21, 2024 Hearing

TO: John Iurino  
Zoning Examiner

FROM: Kristina Swallow   
Planning & Development Services  
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
TP-MOD-0623-000018 H2K PAD – Major Change (Ward 4)

**Issue** – This is a request by WLB Group and Lazarus & Silvyn, assisting the Arizona State Land Department (ASLD) for a Major Change to the H2K PAD (PAD-45). It is proposed to add three annexed areas, named Cody, Gabriel, and Jay to the PAD area and add 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 adding areas Cody, Gabriel, and Jay (See case location map) would add approximately 302 acres to the PAD area.

The additional areas would be subject to 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 on 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 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 aforementioned 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.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of the major change to the H2K PAD.

## **Background Information**

Existing Land Use: Vacant

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

**Previous Cases on the Property:**

C9-21-23 H2K PAD: This rezoning case established the current boundaries and land uses of the H2K PAD area. The PAD was effectuated on May 17, 2022.

**Related Cases:**

TP-ENT-0124-00003: This Original City Zoning case performs the translation of Pima County zoning to City of Tucson zoning for the Cody, Gabriel, and Jay annexation areas. This Original City Zoning case is running concurrent to this PAD amendment.

**Applicant's Request** – Amend the H2K PAD to add 302 acres identified as Cody, Gabriel, and Jay, and establish buffer areas around Cactus Country RV Park and Acacia Elementary School providing for natural open space and use restrictions, as outlined above. Specific language of the PAD amendment is available in the case documents.

**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 consultant/applicant held a neighborhood meeting on January 17<sup>th</sup>, 2024 at 6pm, located 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.

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.

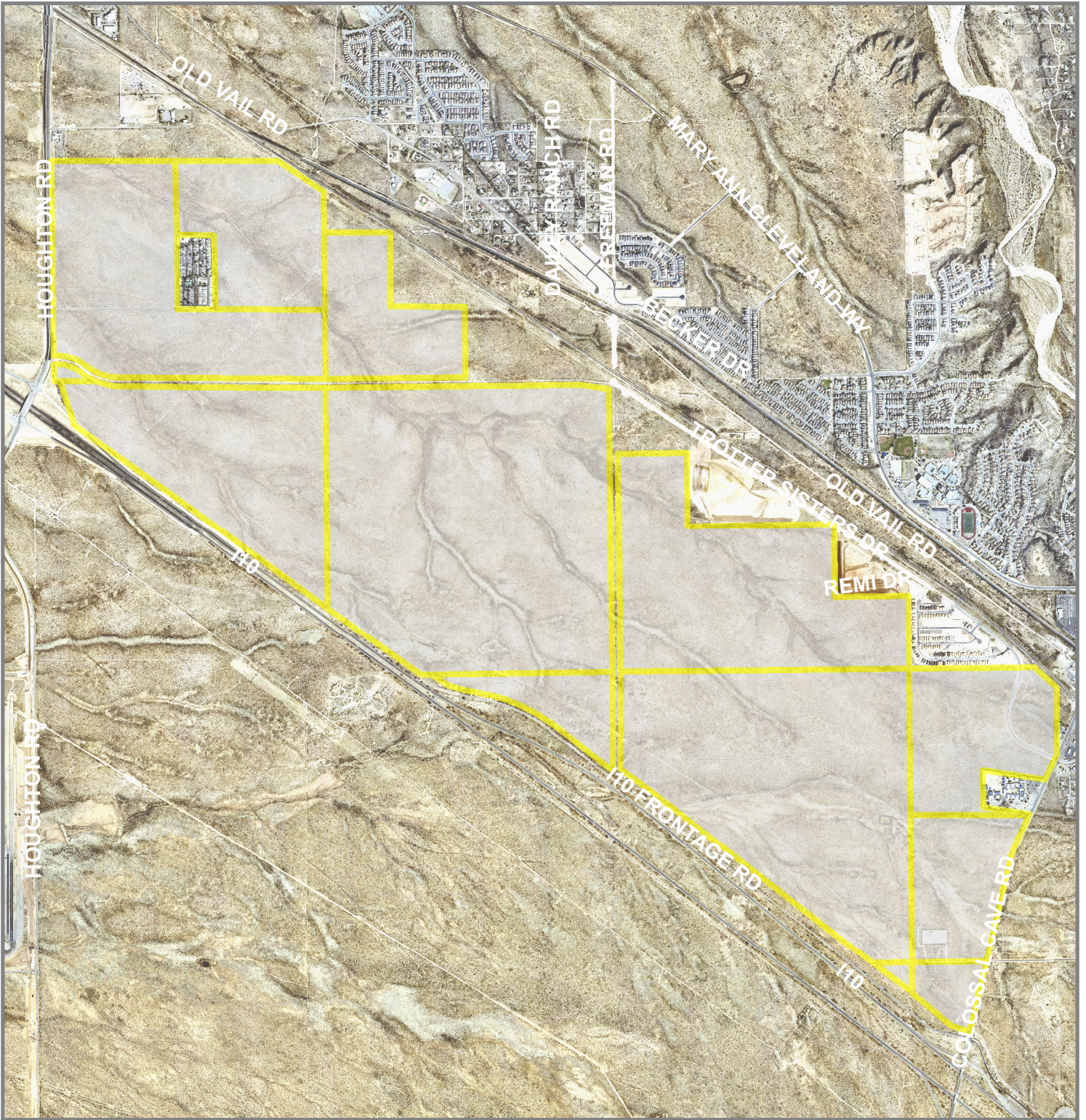
**Conclusion** – The applicant’s request increases the size of the PAD area consistent with plan policy while also providing development restriction zones around existing residential and civic use areas.


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 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 TIs.

**TP-MOD-0623-000018 H2K PAD**  
**Rezoning Request: From RX-1 and RH to PAD**



 Area of Rezoning (RX-1 and RH to PAD)

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

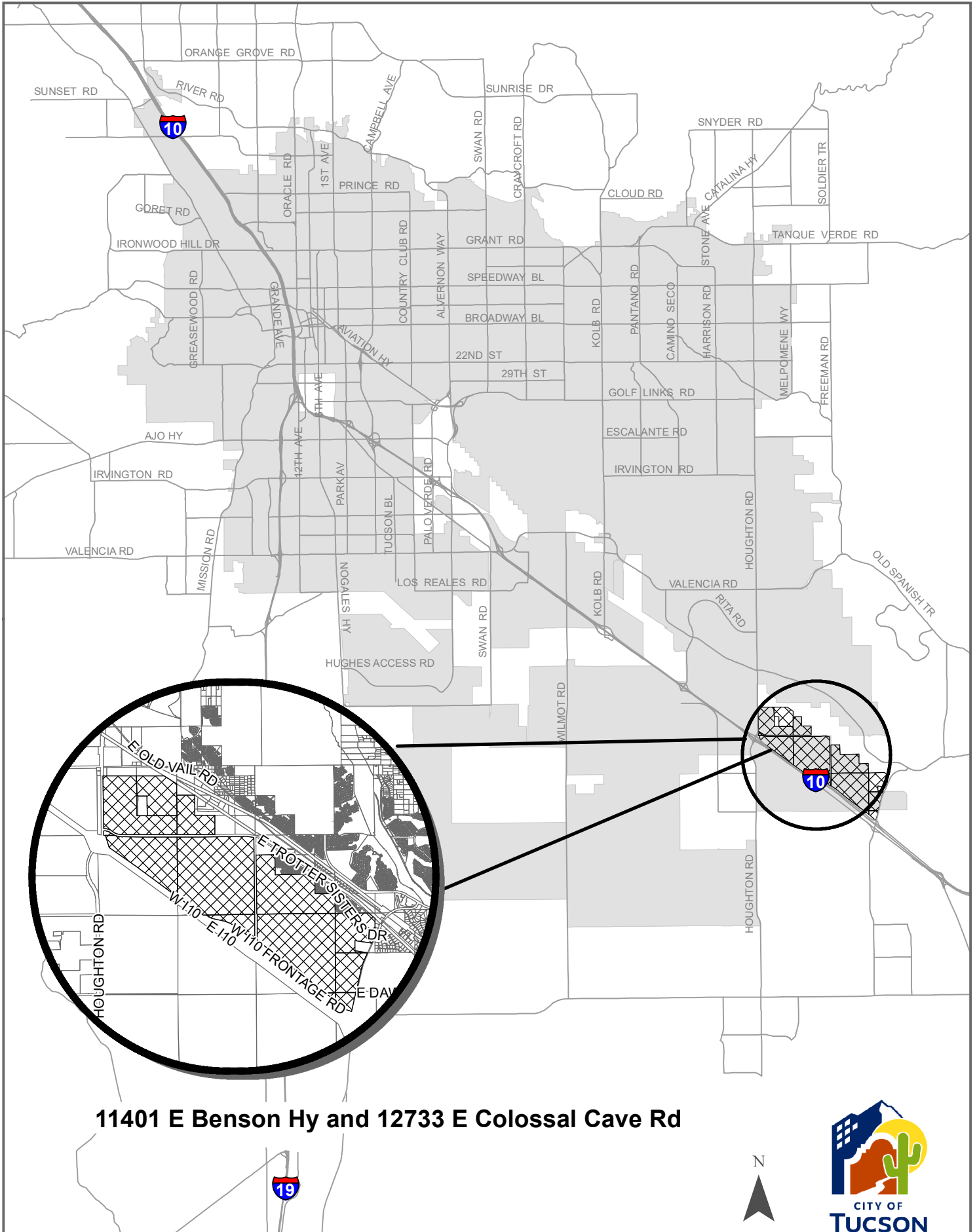
Ward: 4



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

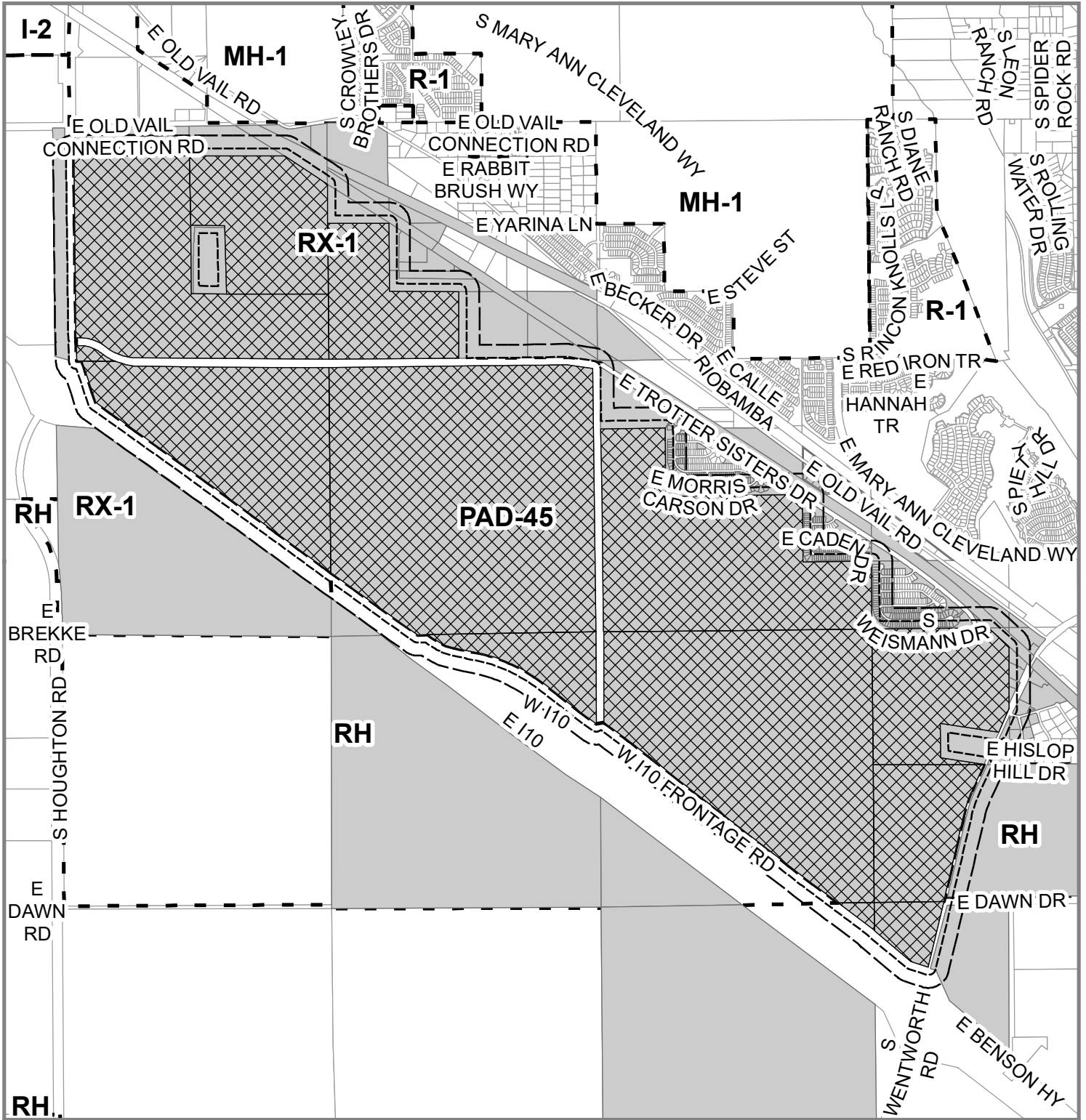


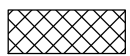
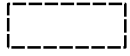
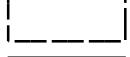


# TP-MOD-0623-000018 H2K PAD



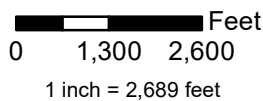
# TP-MOD-0623-000018 H2K PAD

## Rezoning Request: From RX-1 and RH to PAD



-  Area of Rezoning (RX-1 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



## **CITY OF TUCSON PUBLIC HEARING NOTICE**

County Assessor records indicate that you are an owner of property located within 400 feet of a parcel(s) that is being considered for a Special Exception Land Use.

**MEETING NOTE: This meeting will be held virtually, as permitted under Arizona law. The discussions, deliberations and actions of the Zoning Examiner are transparent and conducted openly. These measures are in place to ensure that the discussions, deliberations and actions of the Zoning Examiner are transparent and conducted openly.**

**THIS MEETING IS VIRTUAL ONLY, NO IN-PERSON ATTENDANCE.**

The Zoning Examiner, on behalf of the Mayor and Council, conducts public hearings and considers testimony for each special exception in the City of Tucson. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the close of each Public Hearing, the Zoning Examiner issues written reports with findings of fact and recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all rezoning requests.

### **PUBLIC HEARING INFORMATION**

Date: March 21, 2024

Time: 6:00 PM

Please join the Zoning Examiner hearing from your computer, tablet, or smartphone. Members of the public may view, listen to, and participate in the hearing online by going to the Zoning Examiner website and clicking "Join Meeting" at the top of the page. The Zoning Examiner website may be accessed at the following location: **<https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner>**.

You can also dial in using your phone.

United States: +1 346-248-7799 Meeting ID: 824 9464 9853# Passcode: 281408

If you encounter difficulty accessing the hearing please contact Planning and Development Services at [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov) for technical assistance.

The public has the following options to provide comment to the Zoning Examiner:

- 1) Members of the public may submit written comments prior to the hearing by sending an email to [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov). The email should include the Zoning Examiner public hearing date, the case number or name, and your name. Written comments must be received no later than 5:00 pm March 20, 2024.
- 2) Individuals wishing to speak during the hearing may join the hearing via teleconference and should submit a written request to [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov). Written request should be received by no later than 5:00 pm March 20, 2024. The email should include the Zoning Examiner hearing date, your name, and the phone number you will use for the teleconference. The phone number provided will be used to identify the individual when/if being called upon to speak during the hearing by the Zoning Examiner. Individuals wishing to speak but who did not submit a prior written request will be provided instructions by the Zoning Examiner at the time of the hearing on how to comment.



## **APPLICANT**

The WLB Group, Inc.  
4444 E Broadway Blvd  
Tucson AZ 85711

## **PROPOSED SPECIAL EXCEPTION**

**Case: TP-MOD-0623-000018 H2K PAD – Major Change, Benson Highway, PAD (Ward 4)**

Requested Change: Amendment to the H2K PAD.

Location: 11401 E Benson Highway

Proposed Development: Amend PAD to include three recently annexed parcels.

### **Notificación de Audiencia Pública del Examinador de Zonificación**

**Para oír y tomar en consideración el siguiente caso:** TP-MOD-0623-000018 H2K PAD – Benson Highway, PAD (Ward 4)

**Cambio solicitado:** Una enmienda a los límites del PAD.

**Ubicación:** 11401 E Benson Highway

**Desarrollo Propuesto:** Modificar el PAD H2K para incluir tres parcelas recientemente anexadas

*Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-5550*

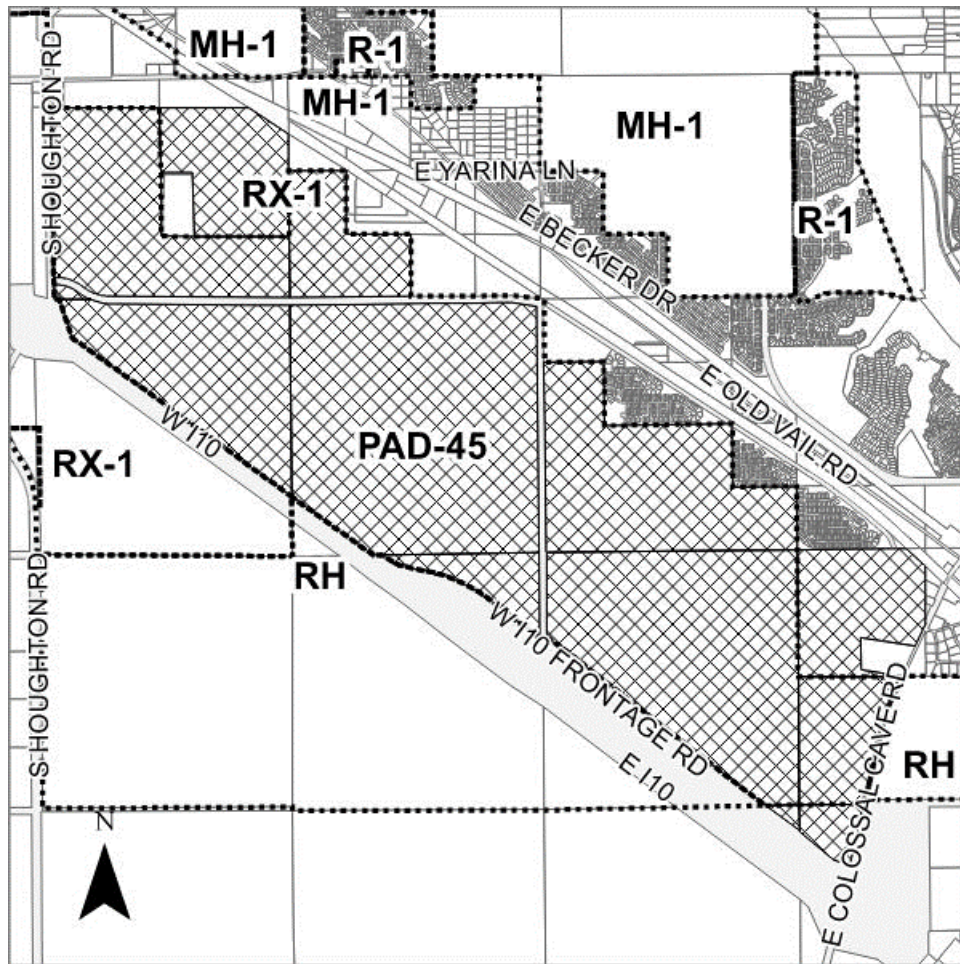
For further information, please call John Beall or Gabriel Sleighter at 520-837-6952 or write to Planning & Development Services Department (PDSB) – Entitlement Section, P.O. Box 27210, Tucson, AZ 85726

## **ZONING DISTRICT NARRATIVE SUMMARIES**

(For a complete description, refer to Unified Development Code, Chapter 23, Tucson Code, which can be found at <https://www.tucsonaz.gov/pdsd/zoning-codes>)

### **Current Zoning:**

**PAD** *Planned Area Development* – The purpose of the Planned Area Development (PAD) zone is to enable and encourage 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. The purpose, general provisions, development standards, establishment and amendment procedures, and other applicable requirements pertaining to the PAD are provided in UDC Section 3.5.5.



TP-MOD-0623-000018

For further information, please contact John Beall ([john.beall@tucsonaz.gov](mailto:john.beall@tucsonaz.gov)), or Gabriel Sleighter ([Gabriel.sleighter@tucsonaz.gov](mailto:Gabriel.sleighter@tucsonaz.gov)), or write to Planning & Development Services Department – Rezoning Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, AZ 85726.

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, March 6, 2024 at:

**<https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner>**

## 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  $\frac{3}{4}$  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-MOD-0623-000018 H2K PAD – Major Change, E Benson Hwy, PAD (Ward 4)**

\_\_\_\_\_  APPROVE the proposed rezoning/special exception  
 Property Owner(s) (PLEASE PRINT)  PROTEST the proposed rezoning/special exception

**Reason:**

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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-MOD-0623-000018 GS

Expose this flap - Affix stamp and return

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

TP-MOD-0623-000018 GS

**IMPORTANT REZONING NOTICE ENCLOSED**



March 6, 2024

**Subject: TP-MOD-0623-000018 H2K PAD – Major Change, E Benson Hwy (Ward 4)**

Dear Neighborhood Association Representative:

**MEETING NOTE: This meeting will be held virtually, as permitted under Arizona law. The public hearing discussions, deliberations and actions of the Zoning Examiner are transparent and conducted openly.**

**THIS MEETING IS VIRTUAL ONLY, NO IN-PERSON ATTENDANCE.**

A Zoning Examiner’s public hearing has been scheduled on special exception request at 11401 East Benson Highway. The request is a rezoning of three recently annexed areas to be rezoned and added to the H2K PAD.

**The Zoning Examiner’s public hearing is scheduled for March 21, 2024, at 6:00 P.M.**

Please join the Zoning Examiner hearing from your computer, tablet, or smartphone. Members of the public may view, listen to, and participate in the hearing online by going to the Zoning Examiner website and clicking “Join Meeting” at the top of the page. The Zoning Examiner website may be accessed at the following location:

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United States: +1 346-248-7799 Meeting ID: 824 9464 9853# Password: 281408

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The public has the following options to provide comment to the Zoning Examiner:

- 1) Members of the public may submit written comments prior to the hearing by sending an email to TucsonRezoning@tucsonaz.gov. The email should

201 N. STONE AVENUE  
P.O. BOX 27210 • TUCSON, AZ 85726-7210  
(520) 791-5550 • FAX (520) 791-4340  
E-Mail: gabriel.sleighter@tucsonaz.gov

include the Zoning Examiner public hearing date, the case number or name, and your name. Written comments must be received no later than 5:00 pm March 20, 2024.

- 2) Individuals wishing to speak during the hearing may join the hearing via teleconference and should submit an email request to TucsonRezoning@tucsonaz.gov. Written request should be received by no later than March 20, 2024. The email should include the Zoning Examiner public hearing date, your name, and the phone number you will use for the teleconference. The phone number provided will be used to identify the individual when/if being called upon to speak during the public hearing by the Zoning Examiner. Individuals wishing to speak but who did not submit an email prior written request will be provided instructions by the Zoning Examiner at the time of the hearing on how to provide comments.

The file is available for review on the internet at:

**<https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner>**

If you need additional information, please contact John Beall (john.beall@tucsonaz.gov) or Gabriel Sleighter (gabriel.sleighter@tucsonaz.gov), 520-837-6952.

Sincerely,

Gabriel Sleighter  
Planner, Planning and Development Services  
Attachment: Aerial and Maps