



Zoning Examiner

Preliminary Report

July 20, 2023

Lexy Wellott
The Planning Center
2 E. Congress, Suite 600
Tucson, AZ 85701

SUBJECT: TP-MOD-0523-000012 La Estancia PAD, – Major Change (Ward 4)

Public Hearing: July 13, 2023

Dear Ms. Wellott:

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-0523-000012 La Estancia 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.

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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 Lexy Wellott, of The Planning Center, on behalf of WAA Investment Holdings, LLC for a Major Change to the La Estancia PAD (PAD-7) to reduce the prescribed setback of 280 feet to 65 feet for residential development adjacent to Industrially zoned properties in Development Area 18. The major change request also includes some corrections to minor scrivener errors and inconsistent references within the PAD document.

Development Area 18 is a 25-acre property located along the eastern edge of the PAD adjacent to Kolb Road and south of Camino Boleadoras, at 6930 East Camino Boleadoras. Development Area 18 is designated as Commercial (C) within the PAD allowing uses permitted by the C-1 zone per the City's Unified Development Code (UDC) and residential uses as permitted in Development Area 15, High Density Residential, with maximum density of 36 RAC.

The request to reduce the prescribed setback of 280 feet to 65 feet for residential development adjacent to Industrial zoned properties within Development Area 18 is a major change (UDC, Section 3.5.5.2.c.2,4, and 5) as it:

- Varies or changes a PAD policy;
- Changes designated buffer which was established to adapt the PAD to specific site characteristics or mitigate development impacts on the site and surrounding area;
- Varies a building setback by more than 10% of that delineated in the 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.



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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:

North: platted subdivision

South: platted subdivision

East: platted subdivision

West: Across Kolb Road, Zoned RH; vacant

Zoned PAD-7, Development Area 17 – Commercial; Residential Subdivision

Zoned I-2; mix of vacant and developed uses

Zoned PAD-7, Development Areas 13 and 14 - Medium High Density Residential; Residential

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 “Business Centers”. Business Centers are major commercial or employment districts that act as major drivers of Tucson’s economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses. *Plan Tucson* provides policy to consider special zoning districts, such as a Planned Area Developments (PAD) as a way to foster mixed- use activity nodes (LT28.1.9). It supports integrating residential and nonresidential land uses (LT28.4.1), and supports a mix of commercial, residential, office, and other service activities at all major employment centers (LT28.4.4), and to consider residential development with densities that complement the size and intensity of the center or node while providing transitions to lower density residential uses (LT28.4.9). *PT* encourages residential development including both market rate and affordable housing projects in Tucson.

Rincon Southeast Subregional Plan, Map Detail #9: The *Rincon Southeast Subregional Plan (RSSP) Map Detail #9* identifies the La Estancia PAD within the Multifunctional Corridor (MFC) designation. The purpose of the MFC is to designate areas for the integrated development of complementary uses along major transportation corridors. These areas contain commercial and other nonresidential services and high- density residential clusters in a linear configuration along a major transportation corridor.



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While Map Detail #9 includes language that the area appears to be suitable for business and industrial uses, there have been three (3) Map amendments changing Industrial Land Use to Multifunctional Corridor to allow for residential uses, i.e. master-planned residential projects, including a map change for the La Estancia PAD District on April 13, 1998, Resolution No. 17999.

Public Input – Prior to holding the neighborhood meeting, the Applicant’s representative sent out letters to all owners of the industrially zoned properties located south and east of the site to discuss the proposed amendment. Through this outreach the Applicant was able to speak to two of the industrial property owners who conveyed that their operations have either moved entirely indoors, and were non- intrusive, or have shifted their more intensive uses to other facilities. These property owners (Skyline Assayers and Laboratories and Sasol Chemicals) expressed no concerns with the reduced setback amendment. On April 13, 2023, the Applicant held a virtual neighborhood meeting via Zoom to discuss the proposed PAD amendment. No one attended the meeting. However, the Applicant has since been contacted by two other adjacent industrial zoned property owners with concerns for the amendment, with one property owner suggesting that there be a minimum 100-foot buffer, and at least a 10-foot wall, and the other property owner expressing no concerns about the site developing with multi-family uses.

Discussion – The La Estancia PAD was approved in 1999 by Mayor and Council with the goal of creating a 555-acre, master-planned community for the development of homes and associated support services along the north side of Interstate 10 between Kolb Road and Wilmot Road. The PAD established a regulatory guide for the future development of a sustainable balanced community of residential, office, commercial, public facilities, and light industrial uses. This mix of residential, commercial, service and light industrial opportunities were looked upon as an opportunity to support current and future employees at the nearby University of Arizona Science and Technology Park and other newly developed employment centers in the area.

The Applicant’s request outlines that as a result of the growing workforce in the general vicinity, the recent shift in development trends due to e-commerce and remote working, and concentrated effort between the master development and the City, the La Estancia PAD has evolved into a more sought-after residential community. The Applicant delineates in its request that Development Area 18 limits the ability to accommodate new housing in this area of the PAD due to a 280-foot setback from adjacent industrial zones immediately outside the PAD District. The setback and limited area, coupled with the property’s irregular shape, high labor cost and development costs, and the abundance of more suitable and accessible commercial/industrial properties on Kolb Road and Wilmot Road, have stifled the property owner’s ability to attract commercial users.

Hence the property owner is requesting to reduce the prescribed setback of 280-feet to allow the property to economically develop given recent market trends with residential uses and maximize its ability to positively contribute to the City’s housing needs.



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The proposed 65-foot building setback still ensures compatibility with the industrial properties despite its reduction from 280-feet, as it places a residential setback within Development Area 18 that is comparable to what would be required by the Unified Development Code if the industrial properties were to develop/redevelop. The UDC standards for building setbacks within industrial zoned properties adjacent to residential properties is 2 times the building height. The preliminary site concept plan submitted by the applicant would dedicate 3 acres of the site along Kolb Road to commercial uses, with the remaining 22 acres proposed for residential multi-family with a total of 243 casitas. The proposed setback of 65-feet is consistent with the UDC standard of 2 times the building height based on the proposed casita building height of one- and two-stories.

The Applicant is also proposing a transition design treatment within Development Area 18 along the eastern and southern property line adjacent to the industrial zoned to include a 10-foot perimeter landscape border, trees, and a 6-foot wall. Staff suggests a 7-foot wall would be more appropriate to mitigate any adverse impacts flowing between both the residential and industrial areas and meets the intent of both the La Estancia PAD and the wall height request by an adjacent industrial property owner for a 10-foot-high wall.

Also, staff suggests adding language in Development Area 18 that requires a minimum 10-foot landscape border, with trees, minimum 15 gallon in size, spaced no less than 25 feet on center along the eastern and southern property lines adjacent to the industrial zoned property.

July 13, 2023, Zoning Examiner Hearing

The Applicant's representative spoke in support of the requested rezoning at the July 13, 2023, Zoning Examiner hearing. No other person spoke.

As of the date of the August 4, 2022, Zoning Examiner hearing, there were n0 (0) written approvals and one (1) written protest.

Conclusion – The reduction in the setback to allow for the development of residential uses in

Development Area 16 is consistent with the intent and purpose of the La Estancia PAD and provides a greater than typical setback which is consistent with the standards found in the UDC. It is also consistent with the policy direction found in *Plan Tucson* to provide for a variety of housing needs and appears to mirror the recent amendments to the *Rincon Southeast Subregional Plan* to meet the growing demand for more housing through allow plan changes for residential uses, i.e., master-planned residential projects.

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

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- La Estancia PAD, Section III.5.c.1 to read **In accordance with those standards in HDR (Development Area 15), with the exception that in 18, primary residential structures shall be set back at least 65 feet from any adjacent I-2 zone or use.**
- La Estancia PAD, Section III.5.c.2 to add and read, **A 7-foot masonry wall is required along the eastern and southern property line adjacent to any I-2 zone or use.**
- La Estancia PAD, Section III.5.c.3 to add and read, **A 10-foot minimum perimeter landscape border along the eastern and southern property line adjacent to any I-2 zone or use. Landscape border to include trees minimum 15 gallon in size spaced no less than 25 feet on center.**

Sincerely,

John Iurino

Zoning Examiner

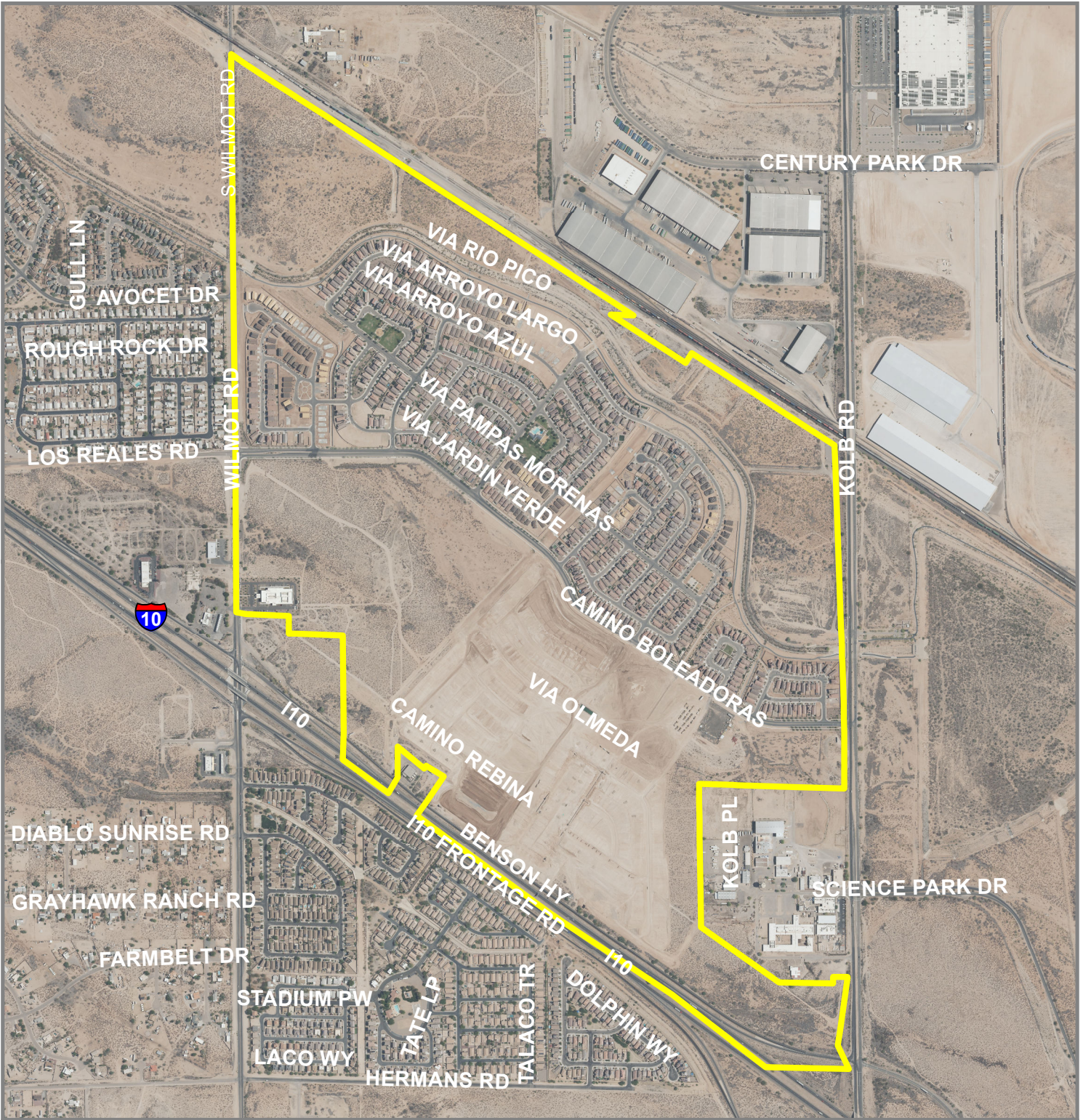
ATTACHMENTS:

Case Location Map

Rezoning Case Map

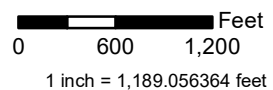
Cc: Mayor and Council

La Estancia PAD (PAD 7 - Major Change)

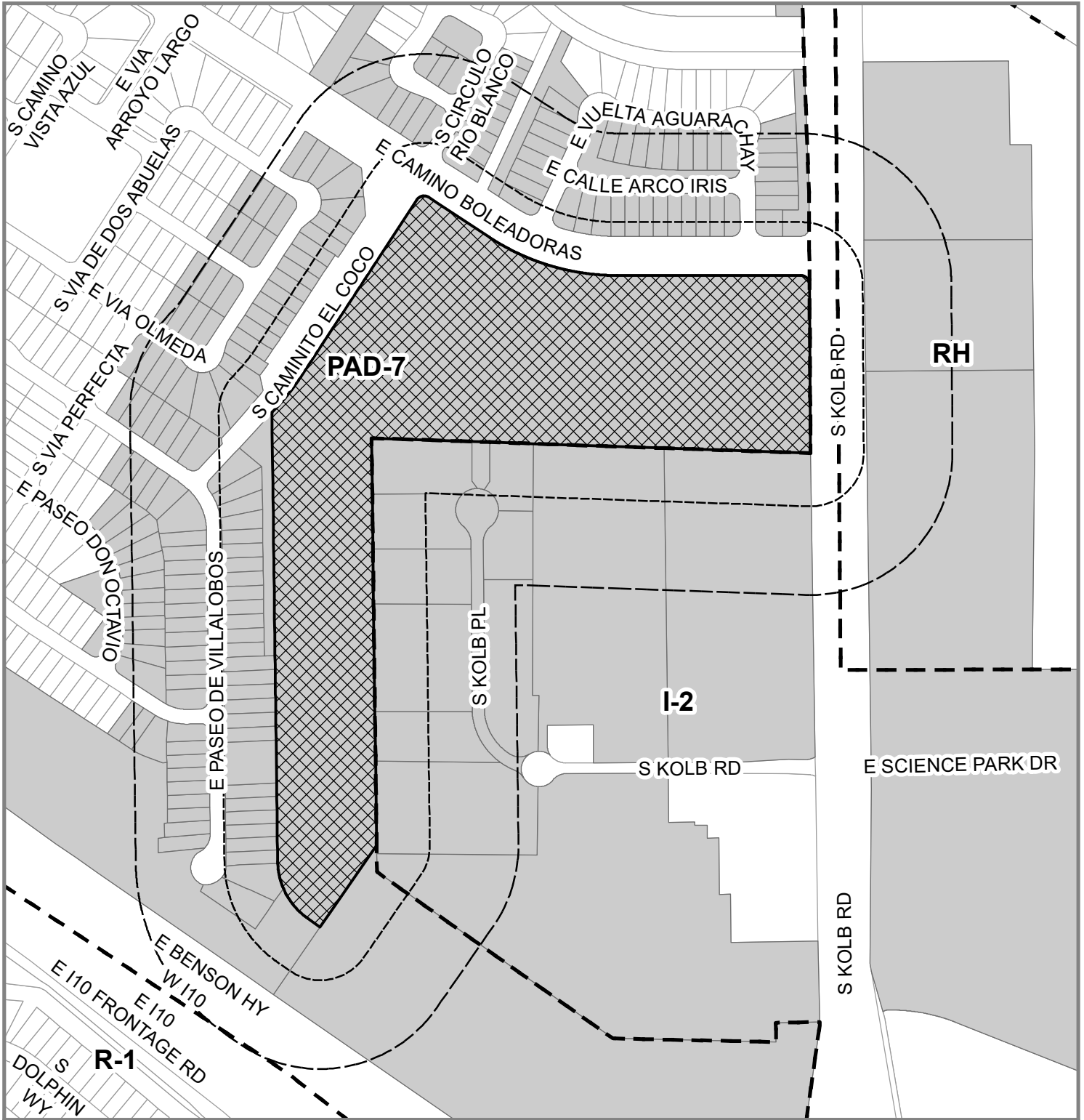


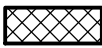
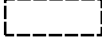



 La Estancia PAD - PAD 7

Address:
 Base Maps: Twp. 15S R. 15E Sec. 19 &
 Twp. 15S R. 15E Sec. 18
 Ward: 4



IP-MOD-0523-000012 La Estancia PAD-7



-  Area of Major Amendment
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 6930 E CAMINO BOLEADORAS
 Base Maps: Twp. 15S R. 15E Sec. 19
 Ward: 4

