



Zoning Examiner

Preliminary Report

February 6, 2025

Keri Silvyn & Robin Large
LAZARUS & SILVYN, P.C.
5983 E. Grant Road Suite 290
Tucson, AZ 85712

SUBJECT: TP-ENT-0924-00018 Kolb & Irvington PAD, SR to PAD (Ward 4)

Public Hearing: January 30, 2025

Dear Ms. Silvyn & Ms. Large,

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-ENT-0924-00018 Kolb & Irvington PAD, SR to PAD (Ward 4).

At the expiration of 14 days after 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 (520-791-5550) 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.

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 closing of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by LAZARUS & SILVYN, P.C. on behalf of the property owner, P1 PROPERTIES, LLC to rezone an approximately 17-acre parcel from SR Suburban Ranch to Planned Area Development (PAD) zoning. The rezoning site is located at 4555 South Kolb Road, at the northeast corner of the intersection of Kolb Road and Irvington Road. The PAD proposes to allow for the redevelopment of the site to a commercial center which may include food service, automotive services, personal services, grocery, general retail, personal storage, and other appropriate uses.

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Rezoning to PAD provides the greatest amount of flexibility for the Project while offering certainty to future businesses.

The Applicant's rationale for seeking rezoning to PAD is found in Section I (Introduction & Policy), part A (Project Overview), paragraph 2 (Project Proposal) of the November 2024 Kolb & Irvington Planned Area Development document, which states:

P1 [the property owner] recognizes the lack of commercial goods, services, and jobs in the area and proposes increasing economic opportunity by developing the Property as a commercial center. P1 intends to develop a mix of uses that may include, but are not limited to, food service/restaurants, automotive services, personal services, grocery, general retail and personal storage (the "Project").

The Property's current zone, Suburban Ranch ("SR"), does not permit commercial uses, and due to the Property's proximity to DMAFB regulatory zones, future residential development on the Property is prohibited.² Because of these constraints, P1 cannot market the Property to specific end-users without first rezoning to permit commercial uses. Rezoning to PAD provides the greatest amount of design and land use flexibility for the Project while offering certainty to existing nearby residents and future businesses looking to invest in the area, both of which are critical for developing a successful commercial project at this location.

Because specific end-users have not been identified, the ultimate site layout has yet to be determined. Therefore, this PAD includes a general land use concept plan (*Exhibit III.A: Concept Plan*) and two preliminary development concepts illustrating multiple potential development scenarios and Project configurations. (See *Appendix A*.)

²The Property is located entirely within the DMAFB Noise Control Districts ("NCD") A and B, which prohibit all residential uses on the Property except for larger lot single-family dwellings.

Background Information

PAD Document Review: The PAD document went through an iterative review process with numerous City departments and outside agencies, with a final submittal based on addressing the concerns of reviewing parties. The PAD was placed in review on September 13, 2024 with a due date of October 14th. An updated PAD submittal was provided by the applicant on November 20th. After staff determined review comments were sufficiently addressed, it was scheduled for the Zoning Examiner on January 30, 2025.

Existing Land Use: Vacant.



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Zoning Descriptions:

Existing:

Suburban Ranch Zone (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

Proposed:

Planned Area Development (PAD): 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. A PAD may have land use regulations different from the zoning regulations in the City of Tucson 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: Zoned SR; Vacant.

South: Zoned SR; Davis-Monthan AFB Aircraft Storage across Irvington Road.

East: Zoned R-3; Single-Family Residential, across Kinnison Wash, which is 200 feet across.

West: Zoned SR; Davis-Monthan AFB Aircraft Storage across Kolb Road, an Arterial Gateway Route per the Major Streets and Routes Plan.

Other:

The Property is also subject to the restrictions of several Airport Environs Zone Overlays, restricting residential uses and requiring noise attenuation for others.

Previous Cases on the Property: None

Related Cases: None.

Planning Considerations

Land use policy direction for this area is provided by *Plan Tucson*, the *South Pantano Area Plan*, and the *Groves Neighborhood Plan*.

Plan Tucson

The Property is located within an Existing Neighborhood Building Block on *Plan Tucson*'s Future Growth Scenario Map. *Plan Tucson*'s Existing Neighborhood Building Block primarily includes developed property and largely built-out residential neighborhoods. This Building Block's stated goal is to maintain and enhance the character of the existing neighborhood and accommodate some



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new development and redevelopment while still encouraging reinvestment in the community that contributes to neighborhood stability.

This proposal accomplishes the creation of a more aesthetically pleasant space. It also serves to locate commercial and employment centers in an area close to existing residential neighborhoods of varying densities placed services in proximity to each other and to residents.

The use of a special zoning district such as a PAD for this property fosters a mixed-use activity node with access to shopping for local residents as well as commuters from between Tucson or Davis Monthan AFB to southeast Tucson. The area has no nearby commercial hub, grocery stores, or service stations and this project would fill a neighborhood and community need.

South Pantano Area Plan

The goal of the *South Pantano Area Plan* is to provide guidelines for proposed development, protect existing development, and to create a sense of community within established neighborhoods.

The rezoning proposal meets *South Pantano Area Plan* objectives by locating commercial uses near the intersections of major streets, and by providing for the commercial needs of the area. The wash to the east accomplishes a buffer and screening to the nearest residential uses. All access is to Kolb Road, with a limited number of access points and designed to be compatible with nearby residential uses. It consolidates a number of commercial uses at a major intersection to facilitate “one-stop shopping.”

Groves Neighborhood Plan

The proposal provides commercial uses to meet the needs of existing and future residents in accordance with the *Groves Neighborhood Plan* goals. The undeveloped area north of the subject site is designated by the *Groves Neighborhood Plan* to be developed into a mix of residential types, which the proposed PAD would support. Finally, it phases out industrial uses at the project location, in accordance with the *Groves Neighborhood Plan*.

Project Description

The Kolb & Irvington PAD proposes an infill commercial center with the City of Tucson C-2 Commercial Zone serving as the basis for the PAD’s permitted uses. No residential uses are proposed. The applicant provided a Preliminary Development Plan which outlines the project area and setbacks, and two possible layouts within the PAD document itself.

One layout shows a variety of uses all facing Kolb Road, with a potential self-storage use set back along the edge of the parcel facing Kinnison Wash. The self-storage use shows a 50,000 square foot indoor facility, a second 18,000 square foot facility, and a number of spaces for vehicle storage. The second layout depicts an anchor grocery store in the northeast corner of the site, with several smaller building pads placed closer to Kolb Road. The grocery store in this plan is illustrated at 54,000 square feet in size.



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Both plans depict large areas of open space for landscaping and rainwater retention, and four access points to Kolb Road along the western edge of the PAD. No other access is proposed, although the northernmost access point is depicted as shared access to the undeveloped parcel to the north. Parking shall be provided per the UDC. The two plans show a landscaped border along Kolb Road and around or within parking areas.

There is limited pedestrian access to the site due to its remote location and disuse. Currently there is no transit stop within one-half mile of the property. The closest bus stops are at the corners of Kolb and Escalante Roads, or near Irvington and Pantano Roads. There is only a narrow sidewalk with visible damage along its length running the 0.4 miles up the west side of the property. At the corner of Irvington and Kolb, the sidewalk terminates, and an informal path runs east from the intersection along Irvington. To the north, the sidewalk appears to be in poor condition until it reaches Escalante Road, with multiple areas of damaged or washed-out panels, and runoff-propelled gravel over large stretches. Parking calculations will be per the UDC.

Per City Prop 407, a shared use path is planned between the Aviation Greenway to the north to the intersection of Irvington and Kolb along the west side of Kolb Road, and east on Irvington to the regional loop system along the south side of Irvington Road.

The preliminary plans show shade trees throughout the parking areas. A minimum 10-foot landscape border will be provided along the northern edge of the property, and a 15-foot landscape border also runs along Kolb Rd. No landscape border or screening wall are provided along the property's eastern boundary due to buffering and screening provided by Kinnison Wash and its existing mature vegetation. Rainwater harvesting will be accomplished across the project area with the use of permeable paving, curb cuts, flush curbs, and basins within landscaping borders.

The PAD incorporates several Climate Sustainability Measures, including but not limited to:

- Rainwater directed to landscape areas for plantings and recharge into the ground.
- Low-water-use vegetation.
- Low Impact Development standards for balanced basin detention and first flush retention.
- Buildings designed to direct rainwater towards basins and landscaping.
- High-albedo roof coating.
- High-efficiency lighting and plumbing fixtures.

PAD Document Overview

The Kolb & Irvington PAD will use the established standards of the C-2 zone as the base zone. No residential uses are proposed in the zone, otherwise all uses within the C-2 zone are expressly permitted.

To ensure design flexibility and a unified, cohesive development, uses permitted by the PAD are not subject to UDC use-specific standards, with the exception of all Special Exception Land Uses.



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These will be subject to their respective Special Exception procedures and adhere to the use-specific standards for those uses in the UDC.

The City Zoning Administrator may permit any use not specifically listed in the PAD if determined to be similar in nature to other permitted uses.

In addition, the following accessory uses are permitted for all principal use groups:

- Precision Manufacturing (includes Microbrewery)
- Primary Manufacturing
- Salvaging and Recycling
- Craftwork

All development within the Kolb & Irvington PAD will comply with Airport Environs Zone (AEZ) development standards.

Interpretation

The Kolb & Irvington PAD is governed by the standards within the PAD document. If there is a dispute between a PAD standard and a UDC standard regarding the same provision, feature, or issue, the PAD standard prevails. All UDC provisions, Development Standards, or other COT regulations not exempted or replaced by this PAD document continue to apply, as long as the purposes and goals of this PAD can be furthered in applying the UDC.

The COT Zoning Administrator is the official interpreter of the Kolb & Irvington PAD.

Urban Design Best Practices

To accommodate creative solutions to design and development issues, the PDSD Director may approve alternatives to the development regulations determined by the Director to be consistent with “urban design best practices.” For the purposes of the Kolb & Irvington PAD, “urban design best practices” include design studies approved for the City; adopted urban design standards for an urbanized area or a similar corridor redevelopment in an American city of comparable size; standards or books written by urban design experts, or endorsed by a professional organization, such as the American Institute of Architects or the American Planning Association; or any comparable report, study or standards approved by the PDSD Director. Any such Urban Design Best Practices shall be submitted for review and recommendation to the PDSD Director at the time of development package submittal.

Amendments

Administration and the amendments process will adhere to the relevant portion of the Kolb & Irvington PAD.



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January 30, 2025 Zoning Examiner Hearing

The Applicant's representative, Keri Silvyn of LAZARUS & SILVYN, P.C., provided an overview of the property, its history, and the proposed Kolb & Irvington PAD. She explained that the property was the former site of an aircraft salvage yard which was cleared around 2010 and has been vacant since. Kinnison Wash is a 200-foot wide drainageway located to the east of the property. State Land is north of the property. Existing residential is located north of the State Land and east of Kinnison Wash. Davis Monthan overlay noise districts prohibit residential uses on the property. The Kolb & Irvington PAD incorporates uses from the C-2 zoning district as a basis for the PAD's permitted uses, and allows flexibility for future commercial uses and some light manufacturing accessory uses. The PAD includes a generic concept plan and two different possible development plans. There is a 15-foot landscape border in addition to the 29-foot existing setback on Kolb Road. The PAD has no setback or landscaping border from Kinnison Wash, which is a significant landscape buffer. A ten-foot landscape buffer is along the north, next to State Land. Heights default to the C-2 zoning height of 40 feet, but most of the commercial uses will likely be around 25 feet. Parking follows the UDC. The property has four potential access points onto Kolb Road, with the one closest to Irvington being limited to right in and right out. A traffic impact analysis will be done for the individual uses as they come forward. Sound attenuation will be provided within the buildings. The PAD implements sustainability measures—rainwater collection, low impact development, etc. Lighting requirements follow the outdoor lighting code. Ms. Silvyn displayed the two different possible development plans contained in the PAD document.

Ms. Silvyn explained that the proposed PAD was the subject of a November 12 neighborhood meeting, where attendees were mostly supportive, but where some concerns were raised about the 400-foot public notification area for the rezoning, homelessness on State Land, onsite landscape maintenance responsibilities, and the City's maintenance of Kinnison Wash. Installation of a wall on eastern edge of the property was discussed, along with trade-offs of creating a protective space where camps for the unhoused could occur. Individual future users might want to install a wall, but even if they don't, the buildings themselves will provide noise buffers. The neighborhood meeting included some discussion of drainage and possibly blocked sunset views. Some neighbors expressed a desire for particular development, including a Trader Joes and an RV storage facility.

At the conclusion of the testimony on behalf of the Applicant, the Zoning Examiner invited members of the public to speak.

One neighboring property owner within 400 feet of the proposed rezoning and who submitted a protest testified that she has lived here for 30 years and doesn't want anything on the property. She doesn't want a grocery store, as there's already a Walmart 1.5 miles away. She can see this property from her home. She is very concerned about the homeless. She doesn't currently have homeless in her immediate area, but doesn't want the homeless issue in her back yard. She also expressed concern about noise and possible traffic accidents at the property as a result of drivers speeding on Kolb Road.



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No other members of the public were in attendance or spoke.

In response to a question from the Zoning Examiner about whether a condition should be added to address potential environmental hazards remaining on the property from the prior aircraft salvage yard use, Ms. Silvyn explained that Arizona Department of Environmental Quality and Pima County Department of Environmental Quality were involved in the clean-up of the property and a regulatory notice was recorded against the property when it was cleaned up. The notice will require additional work for certain future uses that disturb the property. City staff explained that potential site conditions for individual future uses will be addressed as part of the site development package.

CONCLUSION AND RECOMMENDATION

The undersigned Acting Zoning Examiner finds that the proposed Kolb & Irvington PAD is consistent with *Plan Tucson*, the *South Pantano Area Plan*, and the *Groves Neighborhood Plan*, and is a prudent approach to facilitating suitable commercial development of this complicated site.

The Acting Zoning Examiner recommends approval of the requested rezoning from SR to PAD and the adoption of the Kolb & Irvington PAD.

Sincerely,

Frank Cassidy
Acting Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Zone Boundary Map with Notification Area

Cc: Mayor and Council

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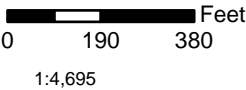


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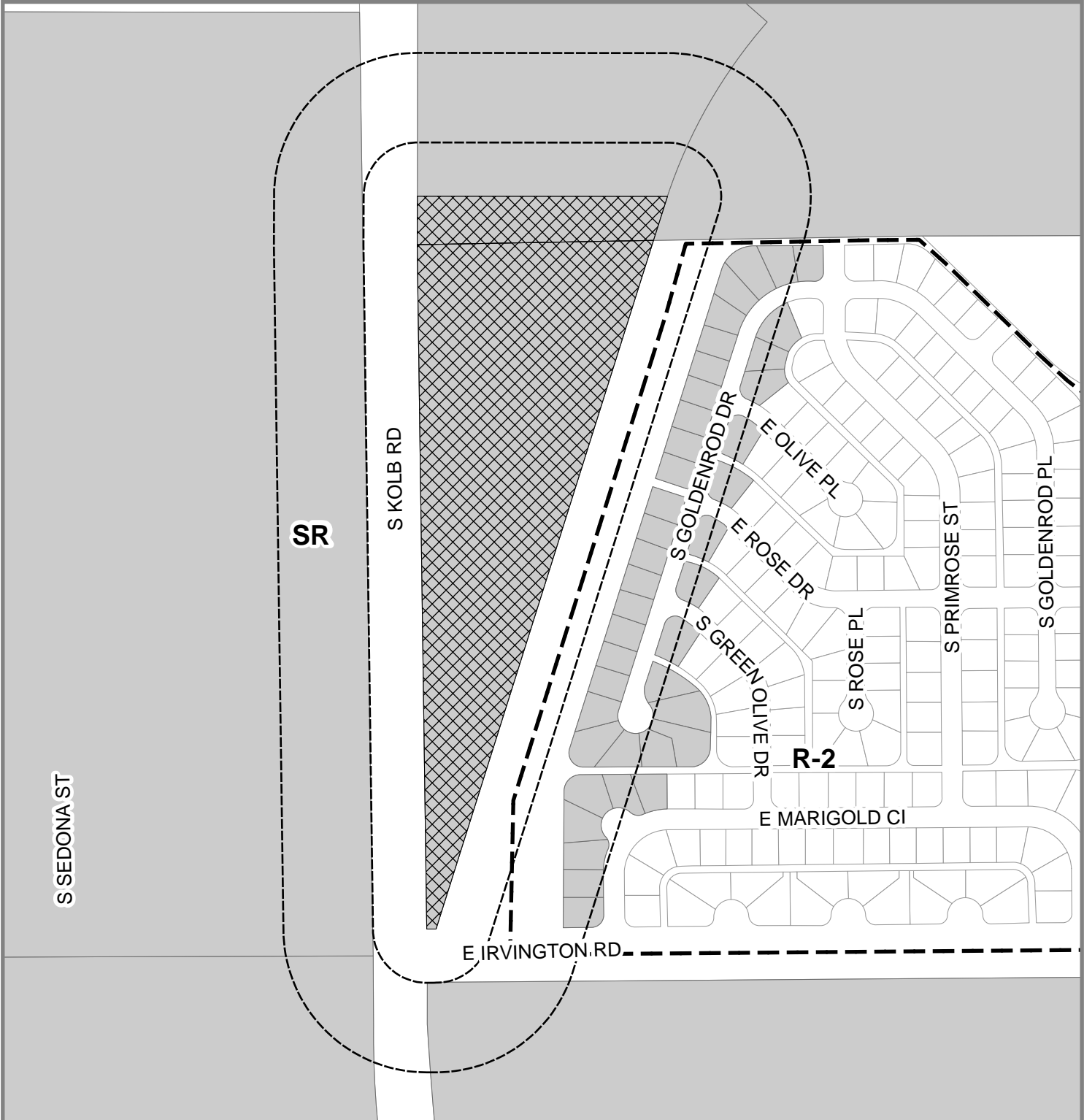


Area of Rezoning

Address: 4555 S KOLB RD
Base Maps: Twp. 1403 Range 1502 Sec. 32
Ward(s): 4



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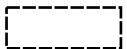
Area of Rezoning



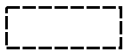
Zone Boundaries



Properties Notified



400' Notification Area



Protest Area (150 ft. Radius)

Address: 4555 S KOLB RD
Base Maps: Twp. 1403 Range 1502 Sec. 32
Ward(s): 4

