CITY OF TUCSON
ZONING EXAMINER'S OFFICE

ZONING EXAMINER'S DECISION

January 26, 2017

Todd DeLabio
Pathways School
Mesa, AZ 85209

SUBJECT: SE-16-141 Pathways School – Pima Street
Public Hearing: January 19, 2017

Dear Mr. DeLabio,

SPECIAL EXCEPTION LAND USE REQUEST

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's findings and decision for the special exception case **SE-16-141 Pathways School – Pima Street.**

PUBLIC HEARING

January 19, 2017 Public Hearing - On January 19, 2017 a public hearing was held on this special exception land use request at City Hall, 225 West Alameda, Tucson, Arizona pursuant to UDC Section 3.4.3, Zoning Examiner's Special Exception Procedure (ZESE). At the Zoning Examiner's public meeting, the Planning and Development Services Department (PDSD) staff reported that at that time there was one written approval and were no protest letters. The applicant supported the special exception and agreed to the special conditions presented by PDSD staff.

There were two speakers. One spoke neither in support or opposition about the special exception process. The second speaker was supportive but expressed concern about a replacement future school coming in and felt that they should be required to apply for a new special exception.

Note this issue of the status of the special exception and the total number of students is addressed below.

FINDINGS

This is a request by Todd DeLabio, on behalf of the property owner, Pathways School, for a Zoning Examiner Special Exception to allow a private school in the R-2 zone. The facility is located on the southeast corner of Pima Street and Richey Boulevard, at 3618 E. Pima Street, and directly south of Catalina High School. The request is to allow a private school to operate on a property smaller than five acres. A church is currently operating on the subject property, which is a 1.59-acre parcel.

The applicant proposes changing a part of an existing church/office into a church/school. The intent is to have 9 to 15 students in a private school, with proposed maximum enrollment of 20 students. The school will provide several services including educational services, therapeutic services, and counseling, along with other general educational classes. On the subject property there are two principal one-story buildings with a maximum building height of 16 feet-8 inches and a combined floor area of 9,426 square feet. The outdoor playground is about 0.4 acres.

A Zoning Examiner Special Exception (ZESE) is required because the site is less than five acres. The City of Tucson *Unified Development Code* (*UDC*) Section 4.9.3.D.2 states that the minimum required site for educational uses in residential zones is five acres. This ZESE is intended to evaluate and potentially allow the Pathways School to operate on the 1.59-acre property.

In addition, *UDC* Article 4.9.3.D.4 states that all outdoor activity shall be held more than 50 feet from adjacent properties zoned R-3 or more restrictive zoning. The outdoor playground area is located six feet from the east property line. The ZESE, can allow recreation areas to be closer than 50 feet from adjacent residentially zoned properties. An existing five-foot masonry wall along the east property line helps to mitigate noise caused by playground activities.

The facility fronts Pima Street which is classified as a collector street on the *Major Streets and Routes Map*, with access onto Richey Boulevard, a local street.

Surrounding Zones and Land Uses - The surrounding land uses include the following to the north Catalina High School zoned R-1, to the south, east, and west are R-2 zoned residential areas.

Land Use Plans – Land use policy direction for this area is provided by *Plan Tucson* and the *Grant-Alvernon Area Plan.* The subject property is located within an Existing Neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are 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.

Within Existing Neighborhoods, *Plan Tucson* calls for a goal of maintaining the character of these neighborhoods, while accommodating new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. Site design should demonstrate sensitivity to the neighboring land uses through the use of design, location, orientation, landscaping, screening, and other means. New development should use solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The *Grant-Alvernon Area Plan* encourages the development of child-friendly land uses when the location and design of the development is in compliance with adopted plan polices. Examples of child-friendly development include community centers, libraries, parks, and schools. It supports development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents.

There has been a religious use (church) on the property for many years, and a portion of the site has previously been used as a counseling center for abused children and their parents.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide traffic estimates for the proposed school use. Field inspection by staff indicates there are currently no billboards on the special exception site.

Site Plan – The Preliminary Development Plan (PDP) dated October 26, 2016 and submitted with the Special Exception application includes the five-foot masonry wall along the east property boundary that screens the playground area from neighboring properties. The PDP indicates that 48 parking spaces are required for the church/school use, and 49 parking spaces (four ADA spaces, two required) are provided. Ingress/egress to the student drop off/pick up area as well as the main parking area is on N. Richey Boulevard. The PDP also indicates two short-term and three long-term bicycle parking spaces.

The building where classroom instruction will be held is already existing as is the playground/outdoor activity area. The Special Exception use requires improvements such as landscaping, fencing, walls, access points, parking areas and PAALS as part of the development package in determining compliance with the *Unified Development Code*.

UDC Section 4.9.3.D. 2 requires the minimum site area for educational uses in residential zones be five acres. This ZESE can allow Pathways School to operate on the 1.59-acre property.

UDC Section 4.9.3.D.3 limits hours of operation from between 6:00 a.m. and 7:00 p.m. The hours of operation for the school are between 7:30 a.m. and 4:00 p.m. Classes are held from 7:45 a.m. to 4:00 p.m., which complies with Use Specific Standard.

Per *UDC* Article 4.9.3.D.4, all outdoor activity shall be held more than 50 feet away from the property line when adjacent to R-3 or more restrictive zoning. The PDP indicates the playground area exists in close proximity to the east property line. This ZESE can allow Pathways School to use the playground area in its existing location.

The proposed special exception will require installation of a new fire alarm system per Section 907.2.3 of the City Fire Code.

Drainage/Grading/Vegetation – The PDP does not specify any new landscaping. Should new landscaping areas be created, water harvesting will be required.

Road Improvements/Vehicular Access/Circulation – There is not enough information on the PDP to determine if the existing driveway meets current Technical Standards. An updated site plan with information showing the driveway, including sight visibility triangles (SVTs), 18-foot curb returns, and any ADA connections to the site must be submitted for review. At the time of any construction, a permit will be required for any work within the right-of-way.

Special Exception Status and Total Number of Students – The Zoning Examiner has further reviewed this issue of a special exception and the total number of students. The special exception runs with the land, that is, a subsequent school can use this special exception but will be bounded by the Unified Development Code and the special conditions applied to this case.

The applicant stated that they did not plan to expand beyond 20 students.

However, the PDSD special conditions would not limit a future school from expansion beyond that number. The impact of more students can create more noise, and traffic in the neighborhood. The Zoning Examiner agrees that the site is small but appears that it can accommodate up to 20 students. There was no information given that supported a greater number of students. Nor was there a request made at the public hearing for more than 20 students. The neighborhood representative was supportive of the current application but was not supportive of a future school with a higher enrollment.

Condition 7 on the attached Zoning Examiner's Conditions limits the student population to 20 on-site students. If a greater number is desired in the future by the current applicant or a future applicant, a request to revise Condition 7 should be submitted and that applicant can go through a similar public hearing and approval process.

Conclusion – The request for a Zoning Examiner Special Exception on this site for a private school is consistent with policy direction provided by *Plan Tucson* and *Grant-Alvernon Area Plan* subject to compliance with the attached Zoning Examiner's Conditions, approval of the requested R-2 Special Exception zoning is appropriate.

APPEAL

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to UDC Section 3.4.3.I. A notice of intent to appeal the Zoning Examiner's decision must be filed with the City Clerk, 255 West Alameda, Tucson, Arizona, 85701 by a party of record in accordance with UDC Section 3.9.2 within fourteen

days of the effective date of the Zoning Examiner's decision with a copy delivered to PDSD.

The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of this decision letter.

A copy of this decision letter can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

CONCLUSION

The special exception land use complies with *land use policy direction* and Use Specific Standards as supplemented by the attached Zoning Examiner's Conditions. After reviewing the ordinances, land use plans, documentation, and public testimony, the Zoning Examiner finds that the proposed special exception can be compatible with its surroundings as intended by UDC standards.

DECISION

The Zoning Examiner's decision is approval of the special exception request subject to the attached Zoning Examiner's Conditions.

Sincerely,

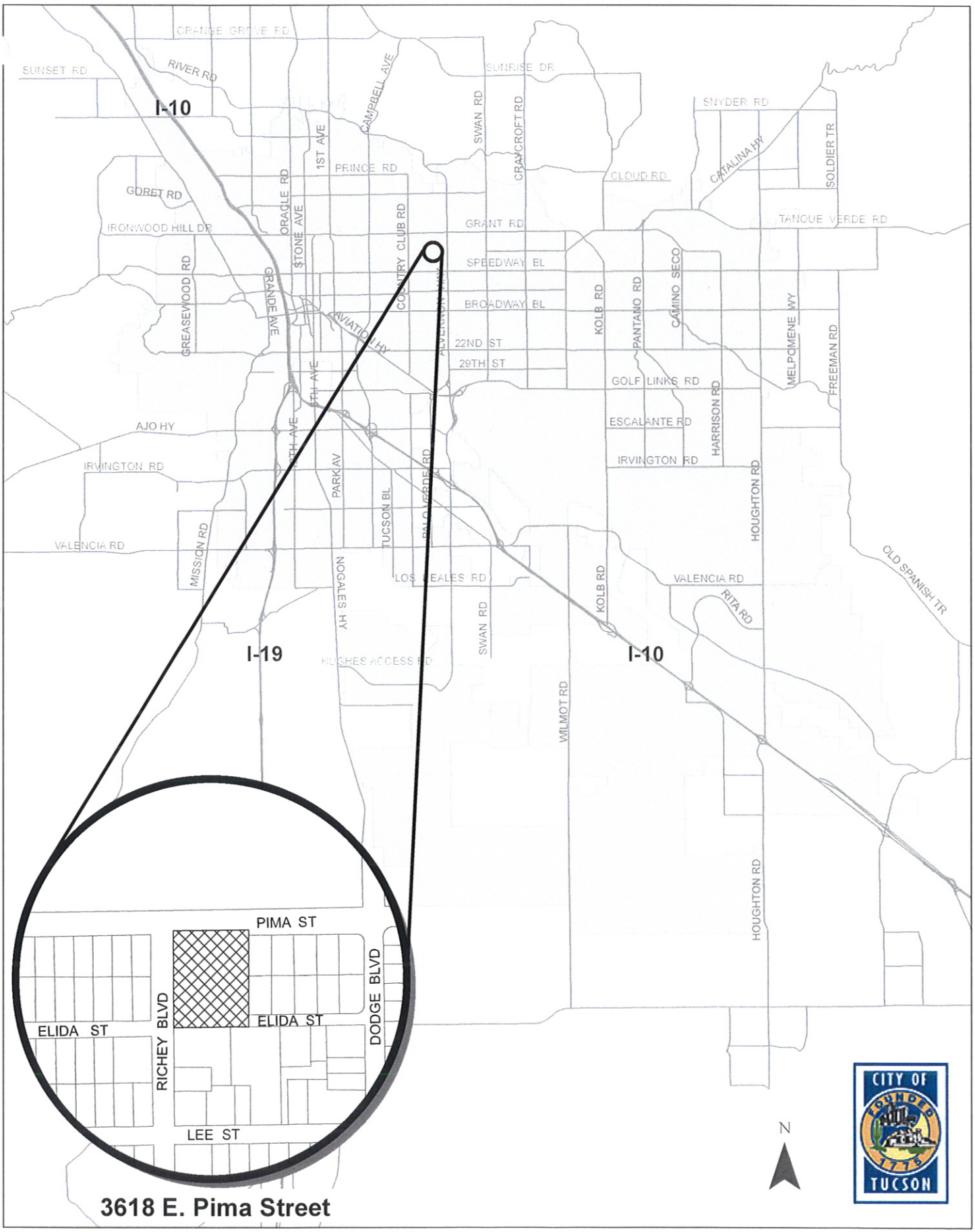
Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

Case Location Map
Special Exception Case Map
Zoning Examiner Conditions

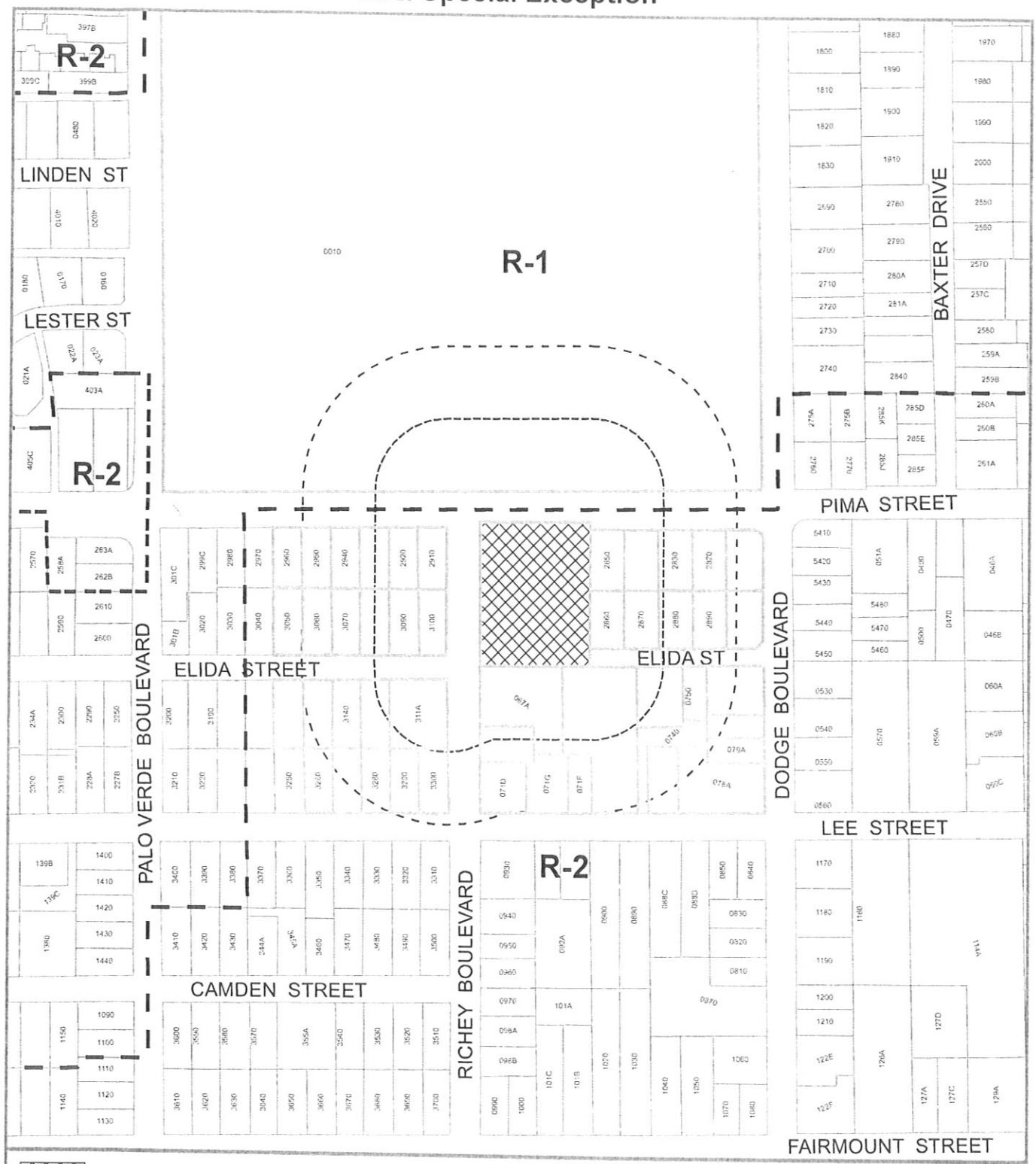
cc: City of Tucson Mayor and Council

SE-16-141 Pathways School and Evaluation Center - Pima Street



3618 E. Pima Street

SE-16-141 Pathways School and Evaluation Center - Pima Street
Z.E. Special Exception



Area of Special Exception Request

150' Protest Area

300' Notification Area

Zone Boundaries

R-2 Zoning of Requested Area

created by: JR, 11/4/2016

Address: 3618 E. Pima Street
Base Maps: Sec.04 T.14 R.14
Ward: 6

0 150 300 Feet

1 inch = 300 feet

N

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated October 26, 2016, and the Design Compatibility Report, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.

2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".

3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the Special Exception Land Use.

6. The site plan shall demonstrate compliance with technical standards for traffic safety and maneuverability at the ingress/egress for Richey Boulevard, including requirements for sight visibility triangles (SVTs).

7. The school shall be limited to 20 on-site students.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____ _____, as the owner of the property described herein ("**Owner**") and the City of Tucson("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____ _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20___.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20____, before me personally appeared

_____ on the basis of satisfactory evidence to be the person who

he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____
Notary Public

My Commission expires:

_____

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

MEMORANDUM

DATE: January 4, 2017
For January 19, 2017 Hearing

Lynne Birkinbine

TO: Jim Mazzocco
Zoning Examiner

FROM: Lynne Birkinbine, Interim Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & DEVELOPMENT SERVICES REPORT
SE-16-141 Pathways School – Pima Street
Zoning Examiner Special Exception, R-2 Zone (Ward 6)

Issue – This is a request by Todd DeLabio, on behalf of the property owner, Pathways School, for a Zoning Examiner Special Exception to allow a private school in the R-2 zone. The facility is located on the southeast corner of Pima Street and Richey Boulevard, at 3618 E. Pima Street, and directly south of Catalina High School (see case location map). The request is to allow a private school to operate on a property smaller than five acres. A church is currently operating on the subject property, which is a 1.59-acre parcel.

The applicant is proposing to modify a portion of an existing church/office facility into a church/school facility. The private school will have 9 to 15 students, with maximum proposed enrollment of 20 students. The proposed school will provide educational services, therapeutic services, and counseling, along with other educational classes. There are two principal one-story structures on the property with a maximum height of 16 feet-8 inches and a combined floor area of 9,426 square feet. The outdoor playground activity area is approximately 0.4 acres.

A Zoning Examiner Special Exception (ZESE) will be required because the site area is less than five acres. The City of Tucson *Unified Development Code* (*UDC*) Section 4.9.3.D.2 states that the minimum required site area for educational uses in residential zones is five acres. This ZESE, if approved, would allow the Pathways School to operate on the 1.59-acre property. In addition, *UDC* Article 4.9.3.D.4 states that all outdoor activity shall be held more than 50 feet from adjacent properties zoned R-3 or more restrictive zoning. The outdoor playground area is located only 6 feet from the east property line. The ZESE, if approved, will allow recreation areas to be closer than 50 feet from adjacent residentially zoned properties. An existing 5-foot masonry wall along the east property line helps to mitigate noise caused by playground activities.

The facility fronts Pima Street which is classified as a collector street on the *Major Streets and Routes Map*, with access onto Richey Boulevard, a local street.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of R-2, Special Exception Land Use request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Church

Zoning Descriptions:

From Zone R-2: This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-1; Catalina High School
South: Zoned R-2; Low to medium density residential
East: Zoned R-2; Low to medium density residential
West: Zoned R-2; Low to medium density residential

Previous Cases on the Property:

C10-86-12 Las Familias, Inc. – Pima Street - This was a request for a Board of Adjustment Variance to allow two existing structures on the site to be used as a counseling center for abused children and their families. Sec. 23-07 of the Tucson Code required welfare centers to be authorized by the Board of Adjustment. In addition, a setback variance was required to allow the existing structures to be located within the required minimum setback of 25 feet from adjacent residentially zoned properties, due to one of the existing buildings being approximately 10 feet from the property line. The Board of Adustment granted the request on February 26, 1986, with a condition limiting the exception to use by Las Familias, Inc. only.

Related Cases:

SE-02-08 Pima Prevention Partnership – Toole Avenue, I-1 Zone - This was a request to allow a 40,000 square foot youth and family services center and a charter high school for children with physical and cognitive disabilities in an existing one-story building on 4.4 acres within an existing industrial subdivision. The subdivision is located on the southeast corner of Third Avenue and Toole Avenue. The Zoning Examiner public hearing was held on August 22, 2002. The Zoning Examiner's decision to approve the request was issued on August 29, 2002.

SE-07-09 Ha:San Middle School – 7th Avenue, HC-1 Zone - This was a request to allow an Elementary and Secondary school for a maximum of 90 students to be located on an existing 0.47 acre site. The Zoning Examiner public hearing was held on June 28, 2007. The Zoning Examiner's decision to approve the request was issued on July 7, 2007.

Applicant's Request – Pathways School is applying for a Zoning Examiner Special Exception to operate a school for special education students, with enrollment not to exceed 20 students.

Planning Considerations – Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and *Plan Tucson*. The rezoning site is located within an Existing Neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are 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. Within Existing Neighborhoods, *Plan Tucson* calls for a goal of maintaining the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. Site design should demonstrate sensitivity to the neighboring land uses through the use of design, location, orientation, landscaping, screening, and other means. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The *Grant-Alvernon Area Plan* encourages the development of child-friendly land uses when the location and design of the development is in compliance with adopted plan polices. Examples of child-friendly development include community centers, libraries, parks, and schools. It supports development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents. The *GAAP* promotes the use of design elements that promote the safety welfare, education, and recreational activities of children; including community centers, libraries, parks, schools, etc. Examples of elements that might be used in child-friendly site design including but not limited to highly visible play areas, well-marked, highly visible pedestrian crossings, and use of public art that is sturdy, visually interesting, and "hands-on."

There has been a religious use (church) on the property for many years, and a portion of the site has previously been used as a counseling center for abused children and their parents (see "Previous Cases on the Property" case C10-86-12 Las Familias, Inc. – Pima Street, on page 2 of this report).

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide traffic estimates for the proposed school use. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The Preliminary Development Plan (PDP) dated October 26, 2016 and submitted with the Special Exception application includes the 5-foot masonry wall along the east property boundary that screens the playground area from neighboring properties. The PDP indicates that 48 parking spaces are required for the church/school use, and 49 parking spaces (4 ADA spaces, 2 required) are provided. Ingress/egress to the student drop off/pick up area as well as the main parking area is on N. Richey Boulevard. The PDP also indicates 2 short-term and 3 long-term bicycle parking spaces.

The building where classroom instruction will be held is already existing as is the playground/outdoor activity area. If the Special Exception Land use is approved, permanent improvements such as landscaping, fencing, walls, access points, parking areas and PAALS may be required to be shown as part of the development package, which will be reviewed by Planning and Development Services staff to determine compliance with the *Unified Development Code* Standards.

UDC Section 4.9.3.D.2 requires the minimum site area for educational uses in residential zones be five acres. This ZESE, if approved, would allow Pathways School to operate on the 1.59-acre property.

UDC Section 4.9.3.D.3 limits hours of operation from between 6:00 a.m and 7:00 p.m. The hours of operation for the school are between 7:30 a.m. and 4:00 p.m. Classes are held from 7:45 a.m. to 4:00 p.m., falling well within this Use Specific Standard.

Per *UDC* Article 4.9.3.D.4, all outdoor activity shall be held more than 50 feet away from the property line where adjacent to R-3 or more restrictive zoning. The PDP indicates the playground area exists in close proximity to the east property line and does not meet this requirement. This ZESE, if approved, would allow Pathways School to use the playground area in its existing location.

The proposed special exception will require installation of a new fire alarm system per Section 907.2.3 of the City Fire Code.

Drainage/Grading/Vegetation – The PDP does not specify any new landscaping. Should new landscaping areas be created, water harvesting will be required.

Road Improvements/Vehicular Access/Circulation – There is not enough information on the PDP to determine if the existing driveway meets current Technical Standards. An updated site plan with information showing the driveway, including sight visibility triangles (SVTs), 18-foot curb returns, and any ADA connections to the site should be submitted for review. At the time of any construction, a permit will be required for any work within the right-of-way.

Conclusion – The request for a Zoning Examiner Special Exception on this site for a private school is consistent with policy direction provided by *Plan Tucson* and *Grant-Alvernon Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested R-2 Special Exception zoning is appropriate.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated October 26, 2016, and the Design Compatibility Report, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.

2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".

3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the Special Exception Land Use.

6. The site plan shall demonstrate compliance with technical standards for traffic safety and maneuverability at the ingress/egress for Richey Boulevard, including requirements for sight visibility triangles (SVTs).

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____ _____, as the owner of the property described herein ("**Owner**") and the City of Tucson("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____ _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20___.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20____, before me personally appeared

_____ on the basis of satisfactory evidence to be the person who

he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____
Notary Public

My Commission expires:

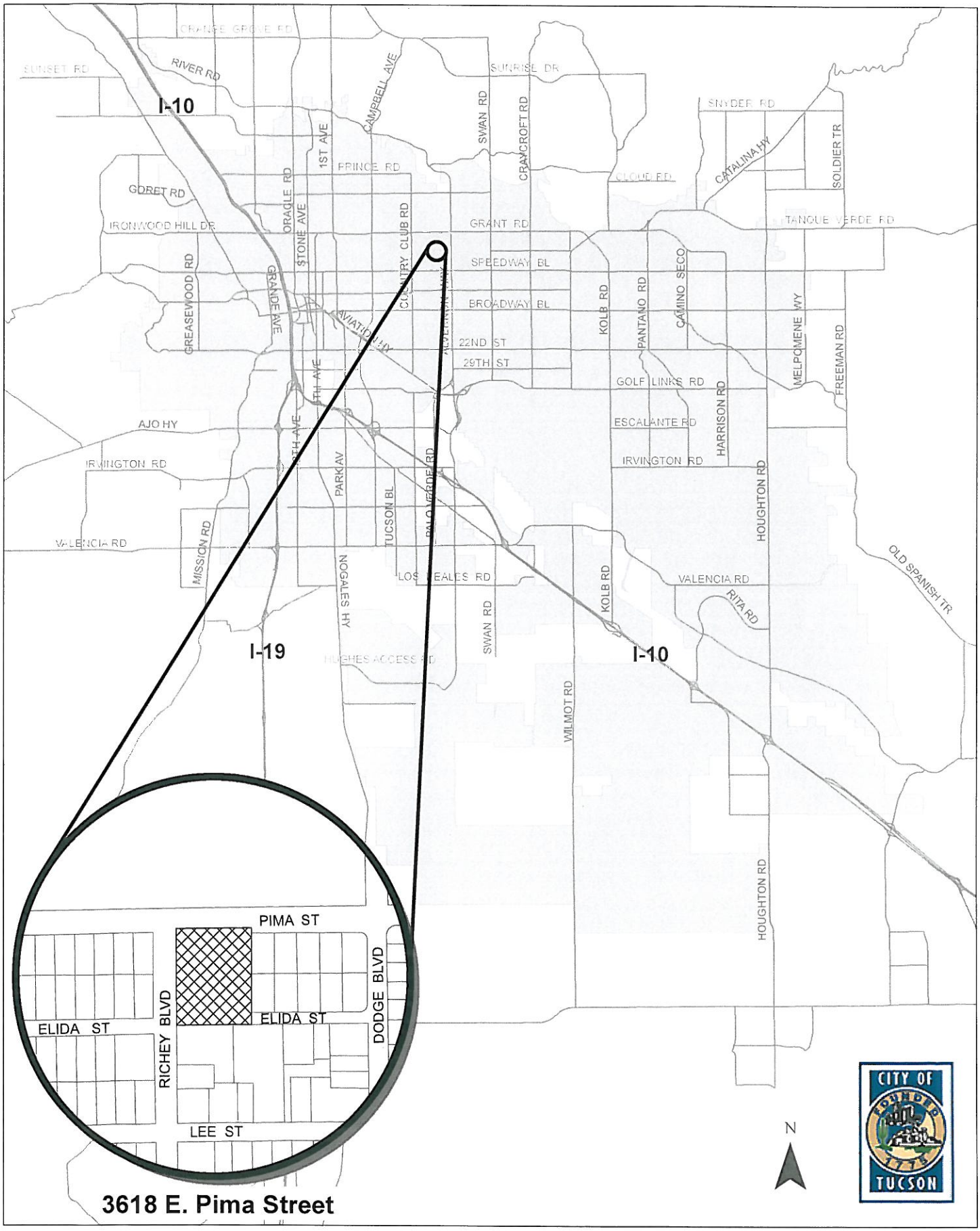
_____

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

SE-16-141 Pathways School and Evaluation Center - Pima Street



3618 E. Pima Street

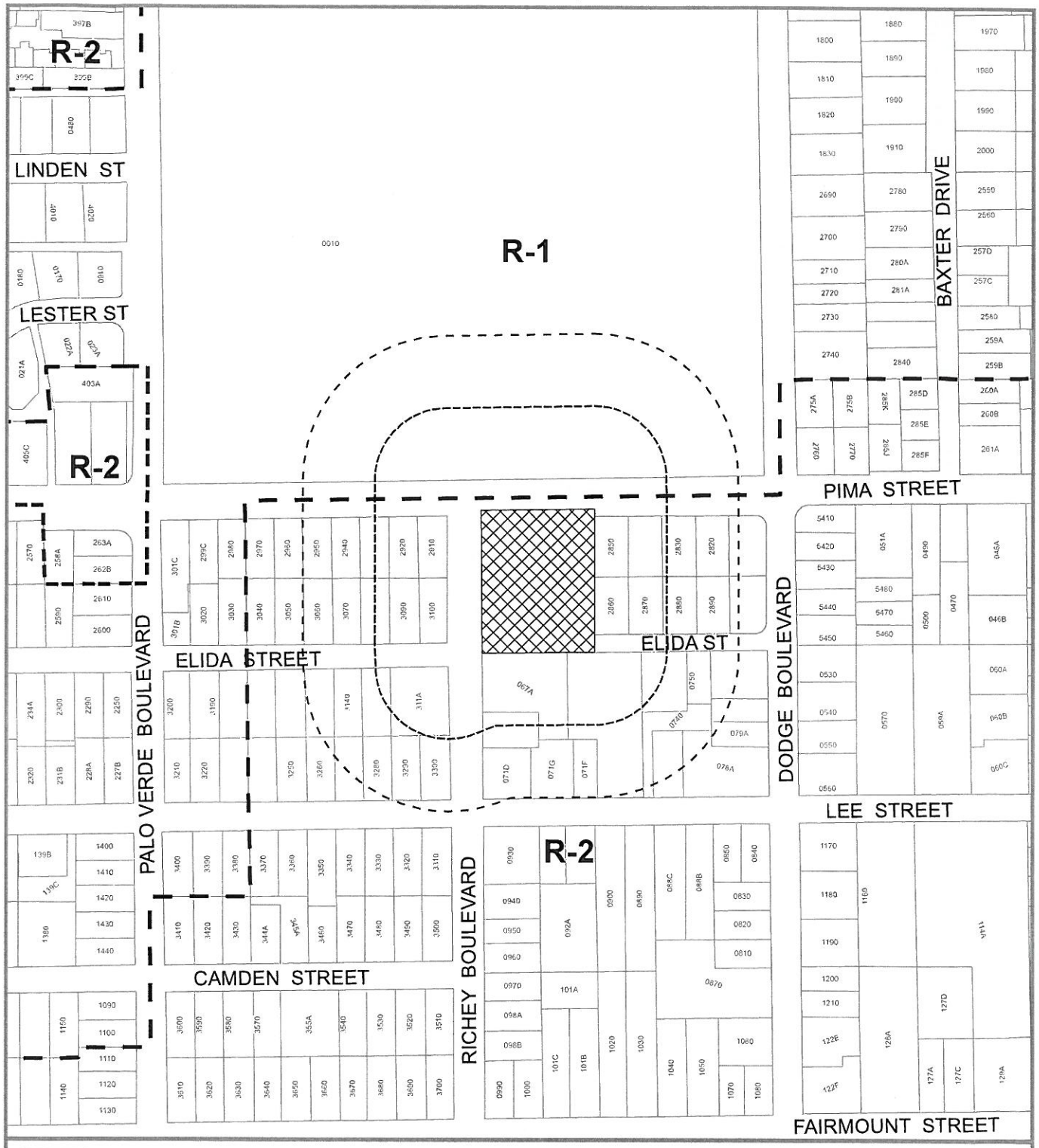
SE-16-141 Pathways School and Evaluation Center - Pima Street
2016 Aerial

0 100 200 Feet
1 inch = 200 feet

N

CITY OF TUCSON

SE-16-141 Pathways School and Evaluation Center - Pima Street
Z.E. Special Exception



Area of Special Exception Request

150' Protest Area

300' Notification Area

Zone Boundaries

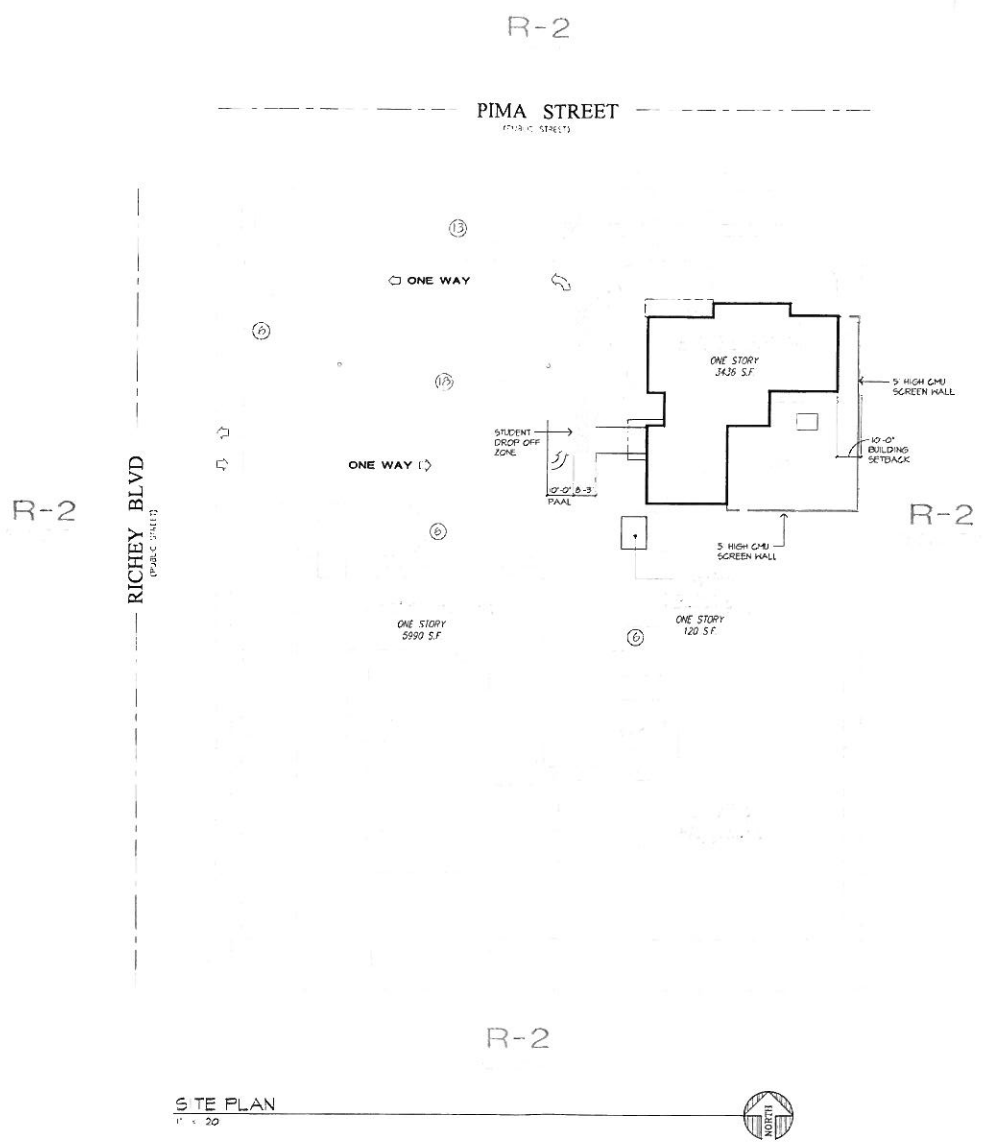
R-2 Zoning of Requested Area

created by: JR, 7/27/2016

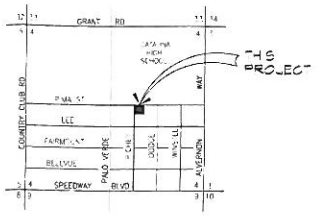
Address: 3618 E. Pima Street
Base Maps: Sec.04 T.14 R.14
Ward: 6

0 150 300 Feet
1 inch = 300 feet

N



SITE PLAN
1" = 20'



LOCATION PLAN
SEC. 4, T14 S., T14 E. G. & S.R.B. & M.
PIMA COUNTY, ARIZONA
SCALE 1"=1 MILE

DEVELOPMENT DATA

ADDRESS	3618 EAST PIMA STREET
ZONING	R-2
USE	CIVIC - RELIGIOUS & EDUCATIONAL 4.9.3.D
GROSS SITE AREA	69,137 SF OR 1.59 ACRES
EDUCATIONAL USE LOT COVERAGE	8,180 SF / 69,137 SF = 11.8%
TYPE OF CONSTRUCTION	TYPE V-N
NO. OF STORIES	ONE (1) STORY/25' MAX. HEIGHT
ROOF LINE	VARIES 16'-8" MAX
OCCUPANCY	
RELIGIOUS WORSHIP	A-3 ASSEMBLY
SCHOOL	E EDUCATION
BUILDING AREA	
CHURCH	5490 SF
PATHWAYS	
ENCLOSED	3436 SF
COVERED	285
SUB-TOTAL	3721 SF
STORAGE	120 SF
TOTAL	9831 SF

PARKING	REQUIRED	PROVIDED [1]
VEHICULAR	48	49
ACCESSIBLE	(2)	(4)
LOADING	0	0
BICYCLE		
LONG TERM	3	3 [2]
SHORT TERM	2	2

[1] PREVIOUSLY APPROVED SITE PLAN. RELIGIOUS USE IS THE PRINCIPAL USE & IS NOT CONCURRENT WITH EDUCATIONAL USE. PARKING REQUIRED FOR SCHOOL (5 SPACES) IS LESS THAN PRIOR USE (18 SPACES)

[2] STORAGE SHED UTILIZED FOR LONG TERM STORAGE

For Addressing Use Only

CITY OF TUCSON **DEVELOPMENT PACKAGE PDSD APPROVAL**

- ☐ Site/Dev Plan
- ☐ Tentative Plat
- ☐ Grading
- ☐ SWPPP
- ☐ FUP
- ☐ SCZ
- ☐ FRZ
- ☐ HDZ
- ☐ WASH
- ☐ Other

DVPKG MGR _____ Date _____
Zoning _____ Date _____
Engineering _____ Date _____
H/C Site _____ Date _____
Fire _____ Date _____
Landscape _____ Date _____
PL/ME _____ Date _____
Revision # _____ ☐ per letter in SIRE

Special Exception
Preliminary Development Plan
S.E. 16-141 Date 10/26/16
Planning & Development Services

LOT OWNER

CALVARY CHAPEL MIDTOWN, INC
8835 EAST SPEEDWAY BLVD
SUITE F
TUCSON, ARIZONA 85710-1844

LEGAL DESCRIPTION

LOTS 4 & 5 OF BLOCK 3 SPEEDWAY PARK ADDITION AS RECORDED IN BOOK XX, PAGE XX, M&P, PIMA COUNTY, ARIZONA

Pathways
K-12 School & Evaluation Center

SPECIAL EXCEPTION LAND USE
SITE PLAN

PAUL B. STOCKTON
EXPIRES 6/30/17

PROJECT NO. 1601
ISSUE DATE 2 AUG 2016
REVISIONS
△ 15 AUG 16

DRAWN BY BS
CHECKED BY PBS
SHEET NO. C
OF

PUBLIC FACILITIES AND SERVICES REPORT FOR January 19, 2017
(as of December 28, 2016)

SE-16-141 Pathways School – Pima Street, R-2 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 11/15/16.
Planning & Development Services – Sign Code: See attached comments dated 11/16/16.
Planning & Development Services – Community Planning: See attached comments dated 12/27/16.
Transportation – Engineering: See attached comments dated 12/27/16
Tucson Fire Department: See attached comments dated 11/23/16.

No Objections Noted

Planning & Development Services – Engineering
Planning & Development Services – Landscape
Office of Conservation & Sustainable Development
Transportation – Traffic Engineering
Community Services – Historic Preservation Officer
Environmental Services
Tucson Parks and Recreation
Tucson Police Department

NON-CITY AGENCIES

No Objections Noted

Tucson Unified School District
PAG-TPD
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

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, January 4, 2017 at **http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html**

Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests <u>must</u> have an owner's signature to be recorded.

Case **SE-16-141 Pathways School – Pima Street Ward #6 R-2 Zone**
Zoning Examiner Special Exception request to allow a private school to operate on a 1.59-acre church site located on the southeast corner of Pima Street and Richey Boulevard

_____ I/We the undersigned property owners, wish to

☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

SE-16-141

City of Tucson PMc
Planning & Development Services
Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-16-141
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED