



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

ZONING EXAMINER'S DECISION

February 9, 2017

Christopher Barnes
Book of Life Community Church/Veritas Academy of Tucson
2151 N. Palo Verde Boulevard
Tucson, AZ 85716

SUBJECT: SE-16-147 Veritas Academy – Palo Verde Boulevard
Public Hearings: January 19, 2017 and February 2, 2017

Dear Mr. Barnes,

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-16-147 Veritas Academy – Palo Verde Boulevard**.

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 public meeting, the Planning and Development Services Department (PDS) staff reported that at that time there was nine written approval and six protest letters. The applicant and the property owner spoke in support of the special exception. The applicant agreed to all the special conditions submitted by PDS. He stated that the current population is 92 students but they are capable of growing to up to 150 students. He further said that he would like to discuss this matter with his board and do more research on the number.

There were 13 speakers. One speaker spoke neither in support or opposition but addressed the special exception process. Seven spoke in support and five in opposition. Those speaking in support included representatives of the existing church and school as well as parents of students living in the area and a student. Those speaking in opposition were mainly neighbors within the vicinity of the school. The supporters talked about how the property was previously a school, the positive philosophy of both the church and the school, and the blending of a homeschooling with classroom learning.

Those in opposition spoke about concerns about playground equipment being too near to residences, problems with traffic along the two local streets that border the

school, the general noisiness of the facility's outdoor recreation area, and concern about a future school taking over the site with a much larger student population. They also stated that if approved that any future school should have to apply for a new special exception.

The Zoning Examiner continued the hearing till February 2, 2017. He stated that a new future school would be able to use the special exception which runs with the land. He requested the applicant look at several items and return with his responses. They included the following:

1. Return with a recommended reasonable maximum number of students for the school;
2. Revise the Preliminary Development Plan to clearly identify that there is no playground equipment/area along the western property line for school or church and to clearly identify where that will be located;
3. Identify the hours of operation for the school, i.e. number of days that the students are on campus, times using the athletic field;
4. Identify access to the school being limited to Palo Verde.

February 2, 2017 Public Hearing – The public hearing was continued and PDS staff gave an update and noted that approval and protest letter numbers remain the same.

The applicant made a presentation directed to the questions raised at the January 19, 2017 public hearing. On the maximum number of students, he said that 198 students would allow small classroom sizes and would also be financially viable to allow the school to exist. He said that next year they hoped to grow from 92 to 115 students. The applicant also presented information on six small private and charter schools indicating the current proposal has an acreage to student ratio greater than all but one of these schools.

Regarding the preliminary development plan, he noted that it now showed the playground equipment being moved to a location about 70 feet from the west property line and that would be accomplished in the timeframe of the Special Condition #6.

He agreed that the hours of operation of the athletic field would adhere to a 6:00pm closing time. He said the days of operation are still Monday partial student attendance with Tuesday and Thursday full student attendance but Wednesday and Friday would be for only administrative staff. He noted that the Book of Life Church and Veritas would like to have the future option of a five day student attendance model.

On the traffic flow of the school, he said there was an agreement with the neighbors on restricting the flow to Palo Verde Boulevard and that staff, parents and students would be aware of this as a school policy to mitigate traffic impacts on the neighborhood.

There were also several speakers in support of the special exception. Speakers in support included property owners in Verde Villa's subdivision to the west and Veritas board members. They made points that the school has been responsive to concerns and traffic flow up to now and has not been intrusive.

There were three speakers in opposition. It appeared that the traffic flow issue had been resolved by focusing on Palo Verde Boulevard access. There was still concern over the total student population and its impacts on the neighborhood.

FINDINGS

This proposal is a request by Christopher Barnes, on behalf of the property owners, Book of Life Community Church, to allow a private school at 2151 N. Palo Verde Boulevard to operate on a property smaller than five acres. Such a request requires a ZESE. Currently, a church is operating on the 4.48-acre subject property. The property is zoned R-2 and is on the northwest corner of Palo Verde Boulevard and Seneca Street.

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 proposal states the existing playground equipment will be relocated to the center of the site, more than 70 feet from the west property line. ZESE can allow a nearby recreational grass field at the northwest corner of the property and the existing basketball court between the church and the school to be a distance of about 34 feet from property zoned R-2 to the west.

An existing five-foot masonry wall along the west property line helps to mitigate noise from recreational activities, and an extension of this wall is proposed at the northwest corner of the site. The proposal states that outdoor activity areas will be monitored by school staff.

Existing and Surrounding Land Uses - Existing uses are a church and K-12 school currently operating with a temporary Certificate of Occupancy. Surrounding uses include to the north, south and west R-2 zoned residential property, to the east is R-2 and R-1 zoned residential property and Catalina High School. The testimony at the public hearing noted that there was a school previously at the subject property and that it has a campus that could accommodate a school.

Land Use Plans – Land use policy direction for this area is provided by *Plan Tucson* and the *Grant-Alvernon Area Plan*. The 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.

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 church/school has access onto Palo Verde Boulevard and Seneca Street, both local streets. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide traffic estimates for the proposed school use.

Land Use Compatibility – Unified Development Code Sec. 4.9.3.D states that Educational Uses are subject to the Use Specific Standards listed in Section 4.9.3.D.1-.7.

UDC Section 4.9.3.D.2 requires the minimum site area for educational uses in residential zones to be five acres. This ZESE can allow the Veritas Academy to operate on the 4.48-acre parcel with appropriate conditions to better fit into the neighborhood.

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 8:10 a.m. to 3:30 p.m., as permitted by this Use Specific Standard.

UDC Section 4.9.3.D.4 requires all outdoor activity be conducted more than 50 feet away from the property line when adjacent to R-3 or more restrictive zoning. There is an existing basketball court, with shared use between the church and school, located approximately 34 feet from adjacent R-2 zoned property to the west, as well as a recreational grass field in the northwest corner of the site. A ZESE can allow these recreation areas to remain in place. Special Condition #8 addresses hours of operation of the athletic field.

Additionally, the applicant states that the school will relocate playground equipment to an area in the center of the site, more than 70 feet from the west property line that will be screened by existing buildings. See Special Condition #6 addressing the movement of the playground equipment.

There is a five-foot wall along the west property line and a new extension of the masonry wall is proposed at the northwest corner of the property. The walls help to reduce noise from outdoor activity. In addition, the applicant states that Veritas

staff will monitor behavior and noise during outdoor activities. See Special Condition #9 that addresses the new wall extension.

UDC Section 4.9.3.D.6 requires the minimum building setback from property lines adjacent to R-3 or more restrictive zoning to be 20 feet. An existing building is approximately 12 feet from R-2 zoned property to the west; however, this building is used primarily by the church, and has no openings facing the neighboring R-2 properties.

Preliminary Development Plan (PDP) - The PDP presented at the February 2, 2017 Zoning Examiner hearing includes the relocated playground/outdoor activity area to address the noise complaints by neighbors. The PDP includes a twenty-six-foot extension of the existing five-foot in height masonry wall at the northwest corner of the property.

Total Number of Students – The Zoning Examiner has further reviewed the 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 and is bound by the Unified Development Code and the special conditions applied to this case.

At the February 2, 2017 public hearing, the applicant stated that a student population of 198 would be the maximum number that would allow a classroom size of 15 students and allow the school to be financially stable. At the January 19 hearing, the applicant mentioned a 150-student cap but asked for time to discuss this issue with his board of directors and do further study on what is the most reasonable final number to operate the school in the future. The student population is a point of concern in this case and can be a debatable point.

The Zoning Examiner has included several mitigation conditions that should address the size of a future student body. Traffic flow, re-location of the playground equipment, wall extension, and the current liaison relationship with the neighborhood indicate this size can be manageable without causing a deterioration of neighborhood stability. See Special Condition #10 that limits the student population to not exceed 198. If a future school replaces Veritas, this cap would remain for that school also.

Student Days on Campus - The number of days that the student population is on campus was discussed during the two public hearings. The Veritas model has partial student attendance on Monday, and full attendance on Tuesday and Thursday. Thus Wednesday and Friday are for administrative staff. Both the applicant and the Church official would like to have the option for five days of student attendance. Thus a future school could use the campus five days regardless of the model used by Veritas.

As noted allowing the maximum expansion to 198 students was a point of concern and the attached special conditions attempt to address this size.

Additionally, the intermittent nature of the Veritas attendance model of partial attendance on one day and having two days of full attendance on the campus also reduces the impacts of traffic flow and student activity within the neighborhood.

There was no evidence presented to suggest a five day full or partial capacity school has been vetted thoroughly with the neighborhood. There was no testimony from the neighborhood that could suggest there was support for a maximum number of students and full five day campus attendance. Special Condition #11 allows up to four days but requires a public hearing approval of a five-day attendance model. The five-day model should be withheld until there is more experience with the school to see if this amount of flexibility is warranted based on the on-going experience of the school in the neighborhood.

Communication Action Plan – Special Condition #7 addresses a basic neighborhood liaison policy with the surrounding neighborhood to remove problems before they occur and to address anything that occurs causing instability for local residents. There is additional language addressing traffic flow added to this condition. It also requires any future school to submit a new Communication Action Plan to the PDSD Director for approval prior to issuance of a Certificate of Occupancy to assure that neighborhood relations are always held in high regard and importance by any school using the subject property. Additionally, Condition #5 allows for one year to meet and implement the conditions of the Special Exception. One year should be more than adequate time for the school to meet the special conditions and obtain a final certificate of occupancy.

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.

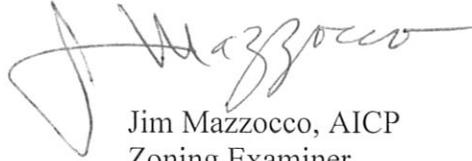
CONCLUSION

The special exception land use complies with land use policy direction from the *Grant-Alvernon Area Plan* and *Plan Tucson*. After reviewing the ordinance, land use plans, documentation, and public testimony, the proposal can meet the intended mitigation of UDC's Sec. 4.9.3.D.1-.7. The Zoning Examiner finds that the proposed Special Exception can meet UDC standards as supplemented by the Zoning Examiner's Conditions.

DECISION

The Zoning Examiner's decision is approval of the Special Exception request subject to the attached Zoning Examiner's Conditions

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mazzocco". The signature is fluid and cursive, with a large initial "J" and "M".

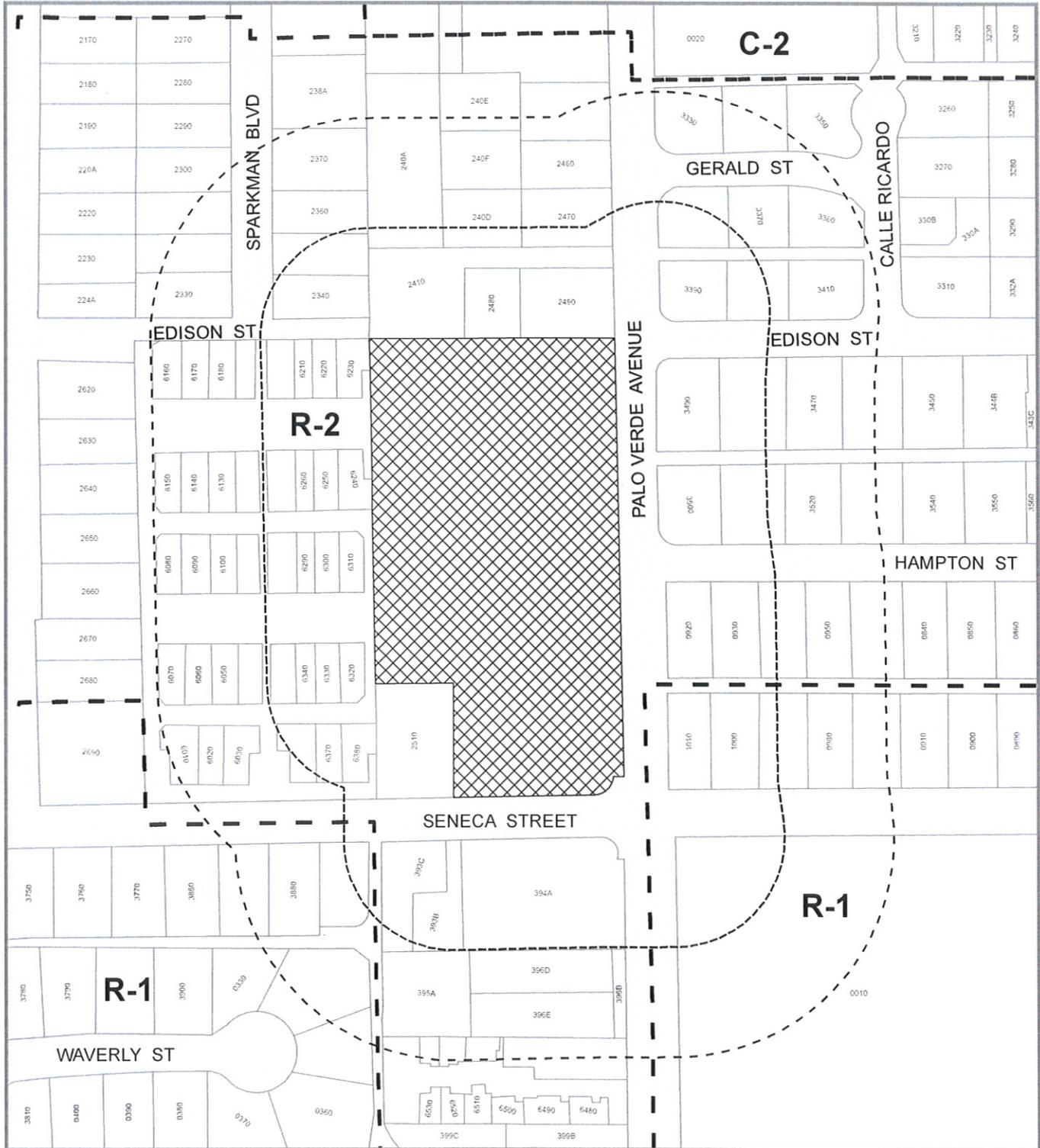
Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

Case Location Map
Special Exception Case Map
Zoning Examiner's Conditions

cc: City of Tucson Mayor and Council

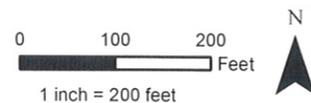
SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard Z.E. Special Exception



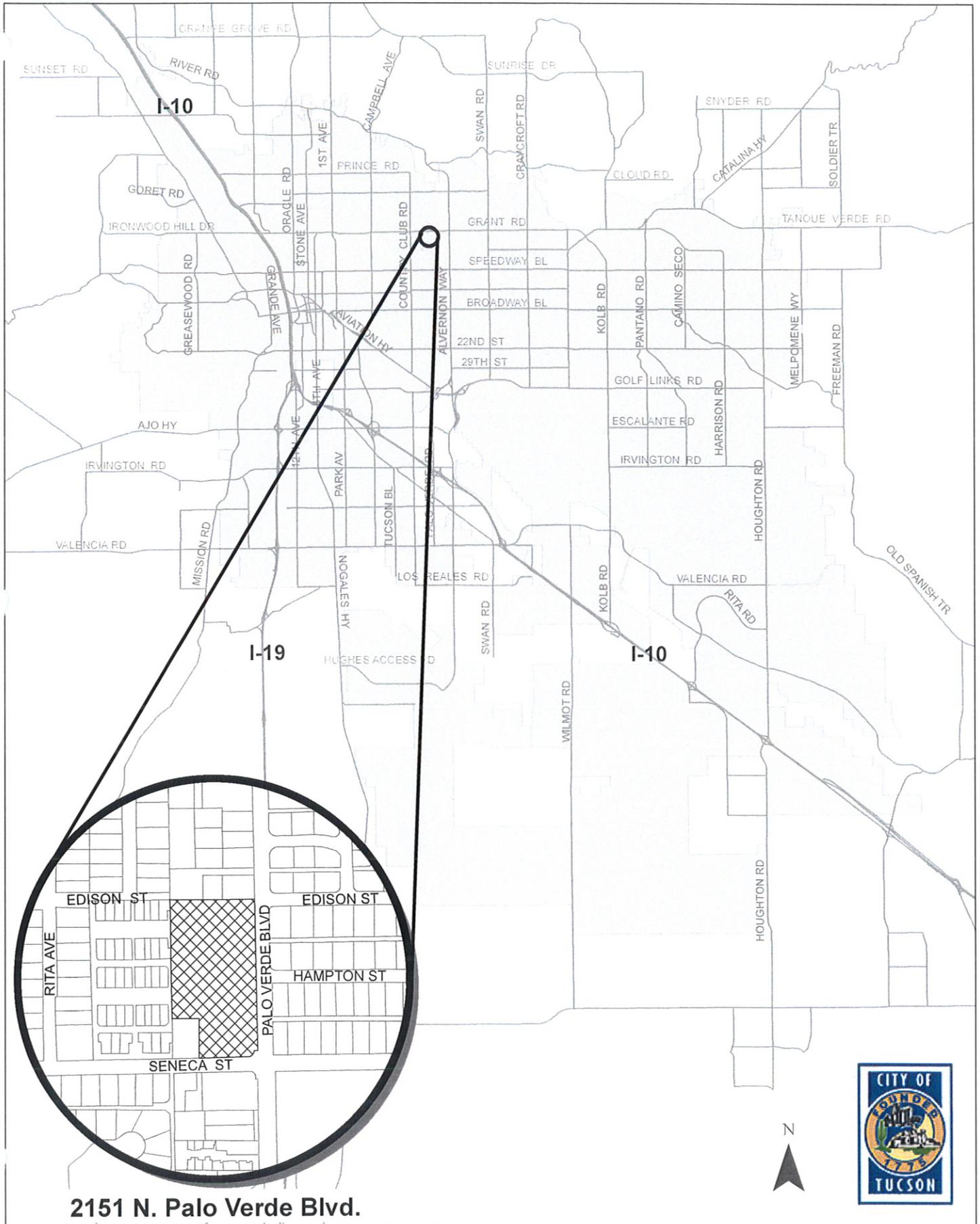
- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- R-2** Zoning of Requested Area



Address: 2151 N. Palo Verde Boulevard
 Base Maps: Sec.04 T.14 R.14
 Ward: 6



SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard



2151 N. Palo Verde Blvd.



PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan presented to the Zoning Examiner on February 2, 2017, 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. Within one year of the initial authorization, all UDC and other code requirements and all special conditions involving completion of plans, documents or construction or replacement of structures shall be completed prior to issuance of a certificate of occupancy. All other code provisions and special conditions shall be on-going and applicable to the Special Exception.

LAND USE COMPATABILITY MEASURES

6. School playground equipment shall be relocated to be at least 70 feet from adjacent residential R-2 zoned neighborhood to the west (excluding the existing City of Tucson well site) per the preliminary development plan presented to the Zoning Examiner on February 2, 2017, and equipment removal from the current location shall be completed within 120 days of Special Exception approval.
7. Communication Action Plan shall address concerns of neighbors who may contact school staff when noise or other problems occur. The Communication Action Plan shall include contact information for the school staff and be submitted to the City of Tucson prior to issuance of Certificate of Occupancy for the school. The Plan shall include limiting traffic flow to Palo Verde Boulevard, student drop-off and pick-up shall not use the parking lot on Seneca Street, school commuter traffic shall be limited to Palo Verde Boulevard, school traffic is to avoid neighborhood streets

unless designated above, and the school will use multiple means of communication of this information to staff, students and parents. Any new school shall submit an updated Communication Action Plan for approval by the Planning and Development Services Director prior to issuance of a new Certificate of Occupancy.

8. School shall provide monitoring and supervision of the playground and athletic field before, during, and after school hours and impose consequences on offending students for excessive noise. Hours of operation of the athletic field shall not exceed 6:00P.M.
9. A 26-foot extension of the 5-foot high masonry block wall shall be constructed at the northwest corner of the property per preliminary development plan presented to the Zoning Examiner on February 2, 2017. This wall extension is required to have a minimum of two (2) equally spaced drain blocks.
10. The maximum on-site student population shall not exceed 198 students.
11. If the school intends to use a five-day student attendance format, i.e the entire or a partial number of student body is in classrooms for a regular school day for five days, it shall be considered a substantial change of this Special Exception and be reviewed by the Zoning Examiner at a public hearing in accordance with Unified Development Code Sec. 3.4.3.

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)

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

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

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

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

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-16-147 Veritas Academy – Palo Verde Boulevard
Zoning Examiner Special Exception, R-2 Zone (Ward 6)

Issue – This is a request for a Zoning Examiner Special Exception Land Use by Christopher Barnes, on behalf of the property owners, Book of Life Community Church, 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 4.48-acre parcel in the R-2 zone, and located on the northwest corner of Palo Verde Boulevard and Seneca Street at 2151 N. Palo Verde Boulevard (see case location map).

A Zoning Examiner Special Exception (ZESE) will be required in order to permit the operation of a private school, and will need to demonstrate that the school use is compatible with the surrounding neighborhood. The school is currently operating with a temporary Certificate of Occupancy, issued July 27, 2016 (T16OT00907), pending the outcome of this Special Exception Application.

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 would allow the Veritas Academy to operate on the 4.48-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. Existing playground equipment will be relocated to the center of the site, more than 70 feet from the west property line. However, an existing basketball court, shared between the church and school is located a distance of approximately 34 feet from the R-2 zoned property to the west, and a grass field, which may be occasionally used for outdoor activity is located at the northwest corner of the property. 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 west property line helps to mitigate noise from recreational activities, and an extension of this wall is proposed at the northwest corner of the site. All outdoor activity areas are to be regularly monitored by school staff.

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

Background Information

Existing Land Use: Church, K-12 school currently operating with a temporary Certificate of Occupancy, issued July 27, 2016 (T16OT00907).

Zoning Description:

R-2 Zone: 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-2; Low density residential

South: Zoned R-2; Low density residential

East: Zoned R-1, R-2; Low density residential, Catalina High School

West: Zoned R-2; Low to medium density residential

Previous Cases on the Property: none

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 – The Book of Life Community Church and Veritas Academy of Tucson are applying for a Special Exception to allow this property to be used for a private school.

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 policies. 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.”

The church/school has access onto Palo Verde Boulevard and Seneca Street, both local streets. 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 – *Unified Development Code* Sec. 4.9.3.D states that Educational Uses are subject to the Use Specific Standards listed in that Section (4.9.3.D.1-.7). Variances are not permitted, however, if the standards cannot be met, the applicant can request approval through a special exception procedure as permitted in the R-2 zone.

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 the Veritas Academy to operate on the 4.48-acre parcel.

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 8:10 a.m. to 3:30 p.m., falling well within this Use Specific Standard.

UDC Section 4.9.3.D.4 requires all outdoor activity be conducted more than 50 feet away from the property line where adjacent to R-3 or more restrictive zoning. There is an existing basketball court, with shared use between the church and school, located approximately 34 feet from adjacent R-2 zoned property to the west, and a grass field in the northwest corner of the site. The Special Exception Land Use, if approved, will allow these recreation areas to remain in place. In addition, the applicant states that the school will be relocating playground equipment to an area in the center of the site, more than 70 feet from the west property line and screened by existing buildings. A 5-foot wall along the west property line also helps to mitigate noise from outdoor activity and a new extension of the masonry wall is proposed at the northwest corner of the property. In addition the applicant states that Veritas School will be monitoring behavior and noise and has a policy outlining consequences for students who make excessive noise.

UDC Section 4.9.3.D.6 requires the minimum building setback from property lines adjacent to R-3 or more restrictive zoning to be 20 feet. An existing building is approximately 12 feet from R-2 zoned property to the west, however this building is used primarily by the church, and has no openings facing the neighboring R-2 properties.

The Preliminary Development Plan (PDP) dated November 2, 2016 and submitted with the Special Exception application includes the relocated playground/outdoor activity area to address the noise complaints by neighbors during the neighborhood meeting. The PDP includes a 26-foot extension of the existing 5-foot in height masonry wall at the northwest corner of the property. The PDP indicates that 96 parking spaces are required for the church/school use, and 115 parking spaces (4 ADA spaces) are provided. Ingress/egress to the student drop off/pick up area as well as the main parking area is on N. Palo Verde Boulevard. Access to the other parking areas are on E. Seneca Street. The PDP also indicates 5 short-term and 1 long term bicycle parking spaces.

Zoning Review acknowledges that the required number of vehicle parking was not provided, but based on information provided by the applicant regarding the proposed number of students (approximately 90 students grades K through 12), the site has sufficient vehicle parking to meet the requirements for the school.

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 – No changes to vehicular access and circulation are proposed.

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 Special Exception Land Use is appropriate.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated November 2, 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 excavations should be reported to the City of Tucson Archaeologist.

to A.R.S. 41-865 the discovery of human remains and associated objects on private lands in Arizona must be reported to the Director of Arizona State

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.

ation, modification, etc., of existing utilities and/or public improvements required by the proposed development shall be at no expense to the public.

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

s are allowed from the date of initial authorization to implement and comply with all Code requirements and conditions of the special exception land use.

5. Five year term shall be allowed from the date of initial authorization to implement and comply with all Code requirements and conditions of the special exception land use.

COMPATIBILITY MEASURES

LAND USE COMPATIBILITY MEASURES

Playground equipment shall be relocated to be at least 70 feet from adjacent R-2 zoned neighborhood to the west (excluding the existing City of Tucson well site) per the preliminary development plan dated November 2, 2016. Equipment removal from the current location shall be completed within 120 days of Special Exception approval.

6. School playground equipment shall be relocated to be at least 70 feet from adjacent R-2 zoned neighborhood to the west (excluding the existing City of Tucson well site) per the preliminary development plan dated November 2, 2016. Equipment removal from the current location shall be completed within 120 days of Special Exception approval.

Communication Action Plan shall address concerns of neighbors who may contact the City of Tucson when noise or other problems occur. The Communication Action Plan shall include contact information for the school staff and be submitted to the City of Tucson prior to issuance of Certificate of Occupancy for the school.

7. Communication Action Plan shall address concerns of neighbors who may contact the City of Tucson when noise or other problems occur. The Communication Action Plan shall include contact information for the school staff and be submitted to the City of Tucson prior to issuance of Certificate of Occupancy for the school.

School shall provide monitoring and supervision of the playground and athletic field during, and after school hours and impose consequences on offending students for excessive noise.

8. School shall provide monitoring and supervision of the playground and athletic field during, and after school hours and impose consequences on offending students for excessive noise.

Extension of the 5-foot high masonry block wall shall be constructed at the west corner of the property per preliminary development plan dated November 2, 2016. This wall extension is required to have a minimum of two (2) spaced drain blocks.

9. A 26-foot high masonry block wall shall be constructed at the west corner of the property per preliminary development plan dated November 2, 2016. This wall extension is required to have a minimum of two (2) spaced drain blocks.

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(l).

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)

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

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

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

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

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

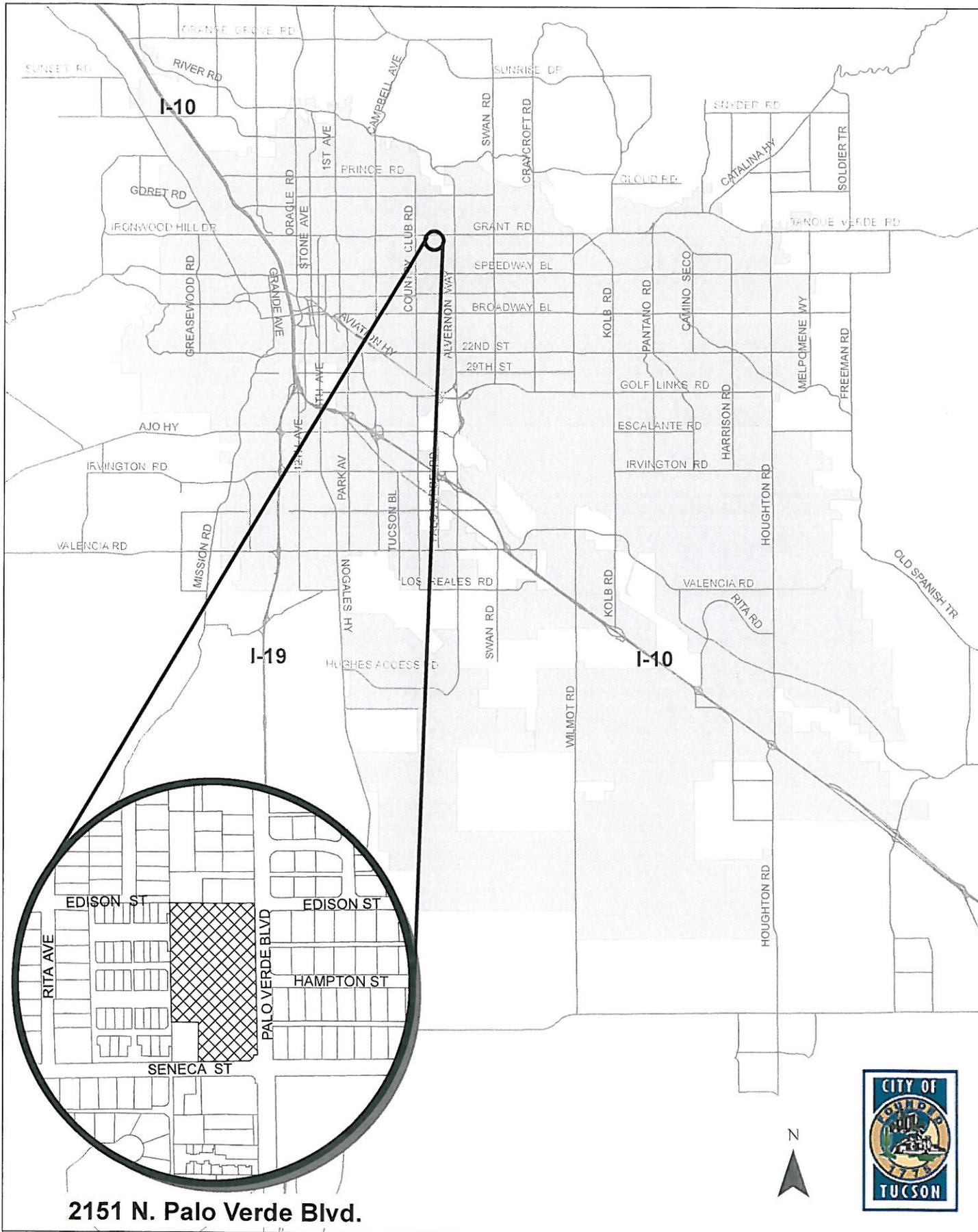
My Commission expires:

City of Tucson, an Arizona municipal Corporation:

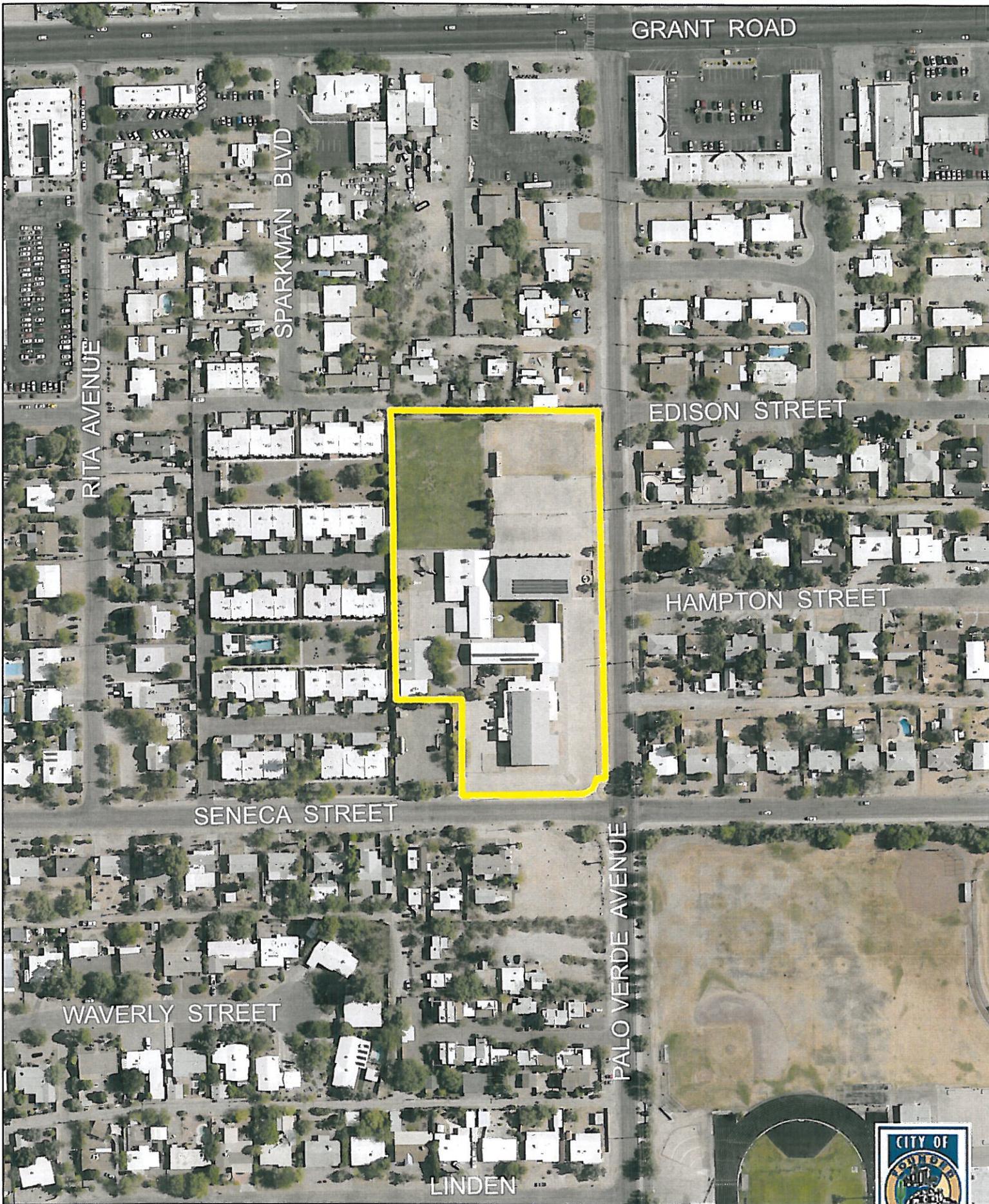
By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard



2151 N. Palo Verde Blvd.



GRANT ROAD

SPARKMAN BLVD

RITA AVENUE

EDISON STREET

HAMPTON STREET

SENECA STREET

PALO VERDE AVENUE

WAVERLY STREET

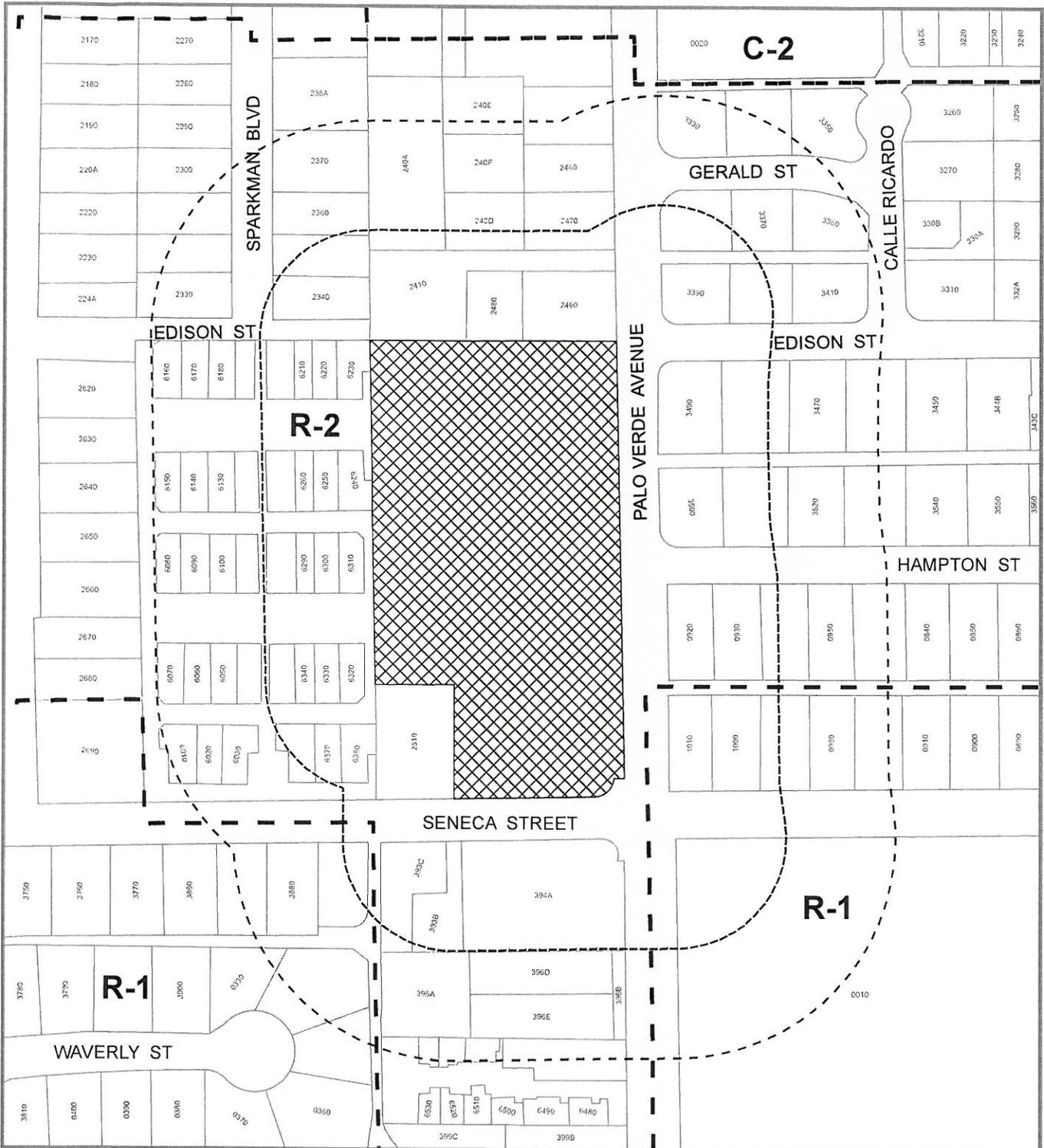
LINDEN

SE-16-147 Veritas Academy of Tucson -
Palo Verde Boulevard
2016 Aerial

0 100 200 Feet
1 inch = 200 feet



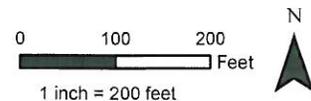
SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard Z.E. Special Exception



-  Area of Special Exception Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries
- R-2** Zoning of Requested Area



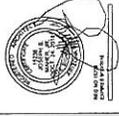
Address: 2151 N. Palo Verde Boulevard
 Base Maps: Sec.04 T.14 R.14
 Ward: 6



VERITAS ACADEMY OF TUCSON
CHRISTIAN SCHOOL
SPECIAL EXCEPTION PROCESSING
2151 NORTH PALO VERDE BLVD.
TUCSON, ARIZONA 85716

VERITAS ACADEMY OF TUCSON
CHRISTIAN SCHOOL
SPECIAL EXCEPTION PROCESSING
2151 NORTH PALO VERDE BLVD.
TUCSON, ARIZONA 85716

COMMERICAL/RESIDENTIAL
ARCHITECT
JOSEPH MAHER, JR. AIA

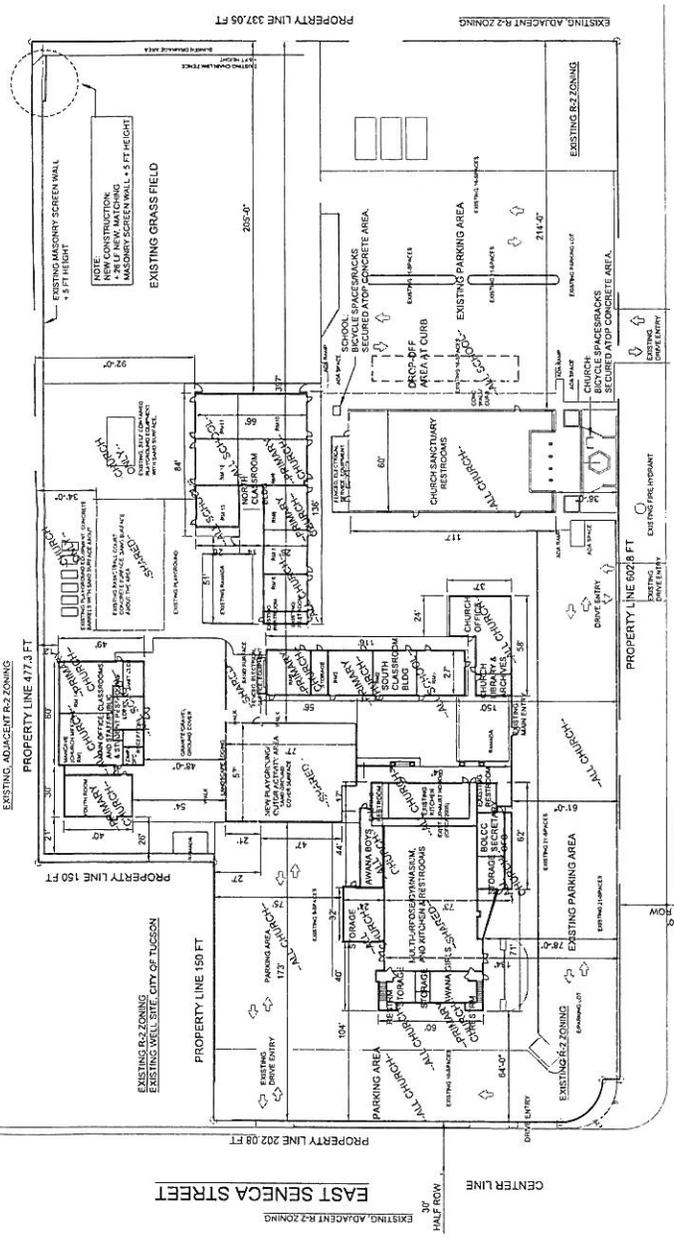


Project No.	100-100
Sheet No.	100-100
Scale	AS SHOWN
Author	JMA
Check	JMA
Date	10/24/16
Project Name	VERITAS ACADEMY OF TUCSON CHRISTIAN SCHOOL SPECIAL EXCEPTION PROCESSING ARCHITECTURAL DEVELOPMENT PLAN

SPA-1

SPECIAL EXCEPTION PROCESSING SITE PLAN OCT. 24, 2016

**Special Exception
Preliminary Development Plan**
S.E. 16-177 Date 11-2-2016
Planning & Development Services



SITE INFORMATION:
SCHOOL SITE COVERAGE: (POCHED AREAS)
18,500 SF DIV. BY 195,024 = 9.48 %
PARKING CALCULATION: CHURCH:
CHURCH ASSEMBLY: 6,230 SF DIV. BY 100 =
63- SPACES REQUIRED, 115 SPACES PROVIDED,
INCLUDING 4-ADA SPACES.
PARKING CALCULATION:
OTHER AREAS FOR COMPARISON:
CLASSROOMS, SCHOOL RELATED:
11,279 SF DIV. BY 300 = 38 SPACES;
CLASSROOMS, CHURCH RELATED:
8,507 SF DIV. BY 300 = 28 SPACES;
CHURCH OFFICE: 2,948 SF DIV. BY 100 = 30 SPACES;
TOTAL OF 96 SPACES REQUIRED, 115 SPACES PROVIDED,
INCLUDING 4-ADA SPACES.

SITE AREA:
4.46 ACRES, 195,024 SF
TAX CODE: 122-15-250A

PLEASE NOTE:
ALL AREAS, BUILDINGS AND FUNCTIONS
DENOTED ARE EXISTING.
SITE DIMENSIONS ARE EXISTING, APPROXIMATE.
-NO NEW FLOOR AREA ADDED.
-EXISTING FACILITY:
BICYCLE SPACES: SCHOOL:
90 STUDENTS = 5-BICYCLE SPACES SHORT
TERM; 5-EMPLOYEES; 1-SPACE LONG TERM.
BICYCLE SPACES: CHURCH:
2% OF 200 ATTENDEES = 4-SPACES SHORT
TERM; 5-EMPLOYEES = 1-SPACE LONG TERM.

EXISTING ADJACENT R-2 ZONING
NORTH PALO VERDE BLVD

**VERITAS ACADEMY OF TUCSON
CHRISTIAN SCHOOL
SPECIAL EXCEPTION PROCESSING
EXISTING ARCHITECTURAL &
DIMENSIONED SITE PLAN**
SCALE 1"=30'-0"
0 FT 30 FT

2016 COPYRIGHT, ALL RIGHTS RESERVED
JOSEPH MAHER, JR., AIA ARCHITECT

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

SE-16-147 Veritas Academy – Palo Verde Boulevard, 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 12/22/16.

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 – Engineering

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

SE-16-147



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

SE-16-147
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED