PRELIMINARY REPORT

December 20, 2018

CITY OF TUCSON
ZONING EXAMINER'S OFFICE

Paul Gilbert c/o Dennis M. Newcombe
Beus Gilbert PLLC
701 N. 44th Street
Phoenix, AZ 85008

SUBJECT: SPECIAL EXCEPTION LAND USE
SE-18-67 BioLife Plasma Facility – Golf Links Road
C-1 Zone (Ward 4)
Public Hearing: December 13, 2018

Dear Mr. Gilbert:

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 special exception land use case SE-18-67 BioLife Plasma Facility- Golf Links Road, C-1 Zone.

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Paul Gilbert, of Beus Gilbert PLLC, on behalf of the property owners, ACMI/Barrio Pantano, Tucson, Arizona, to allow a Blood Donor Center as a special exception land use in the C-1 zone. The special exception site is located on the north side of E. Golf Links Road, approximately 400 feet east of Pantano Road (see Case Location Map). The preliminary development plan proposes an outpatient medical use (plasma donor facility) on a 3.89-acre site within a 1-story, 15,230 square foot building with associated parking, landscaping and retention basins.

The proposed use is identified in the Unified Development Code (UDC) as a Major Medical, Outpatient Service – Blood Donor Center. When proposed in the C-1 Zone, the use is subject to the Use-Specific Standards of UDC Sections 4.9.4.O.3 and 4.9.13.O, and requires approval through a Mayor & Council Special Exception Procedure (UDC Sec. 3.4.4).

Background Information

Existing Land Use: Platted, but undeveloped residential subdivision, on vacant land.

Surrounding Zones and Land Uses:

North: Zoned C-1; Single-family Residences

South: Zoned C-2; Commercial and Residential Uses

East: Zoned C-1; Single-family Residences

West: Zoned C-1; Commercial Use

Use-specific Standards – Below are the Zoning Examiner's findings of the Use-Specific Standards for a Blood Donor Center in the C-1 Zone.

Use-Specific Standard: 4.9.4.O.3

O. Medical Service

3. Blood donor centers shall comply with the following standards.

   a. The site is not located in the same block as a residential zone or any elementary or secondary school or Day Care use.

The Zoning Administrator has determined that the site in not located in the same block as a residential zone, elementary or secondary school or day care use. Based on the Zoning Administrator's determination, this standard is met.

   b. The site is located at least 300 feet, measured in a straight line, from the property line to a residential zone boundary line or the property line of an elementary or secondary school. There are no residential zones, schools or day cares within 300 feet of the site boundaries.

This standard is met.

   c. A waiting area equal to 10% of the gross floor area is provided.

The floor plan submitted by the Applicant shows the waiting area. The waiting area is 1,370 SF as opposed to the 1520 SF required. In the context of this facility, with on-line appointment scheduling, required proof of residency and debit card compensation, PDSD staff determined the waiting area size to be in substantial compliance with the Use-Specific Standard and the Zoning Examiner agrees. In addition, the testimony at the December 13, 2018 Public Hearing established that the size of the proposed facility has been reduced to 14,180 SF, yielding a waiting area requirement of 1,418 SF. The proposed 1,370 SF waiting area substantially complies with the Use-Specific Standard and is only 48 SF (or approximately 3%) less than the standard.

   d. No other blood donor center is located within 1,200 feet. Map Tucson does not identify any blood donor centers within 1200 feet of the site.

This standard is met.

Use-Specific Standard 4.9.13.O

O. C-1 Commercial Zone - General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited except as follows.

    a. Commercial Services and Retail Trade Uses may provide one drive-through lane.

No drive-through services or lanes are proposed. This standard is met.

    b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.

Not applicable to this request.

2. All land use activities shall be conducted entirely within an enclosed building unless specifically provided otherwise, except as follows:

    a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;

    b. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;

    c. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;

    d. Recreation Use Group: Golf Course, Parks and Recreation;

    e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,

    f. Vehicular use areas.

All activities will be conducted within an enclosed building. This standard is met.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*. The project site is located in an area identified on the *Plan Tucson* Future Growth Scenario Map as an Existing Neighborhood. 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. The goal is to maintain 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.

Plan Tucson policy LT28.2.10 supports the location of residentially-scaled office uses as a possible alternative to residential uses along major streets when the project: stabilizes and enhances the transition edge when adjacent to existing and future residential uses; provides safe and appropriate access from a major street; accommodates required parking, loading and maneuvering on site; provides on-site screening and buffering of adjacent residential properties; gives consideration to the consolidation of design elements, such as access points, parking, landscaping and screening; and, gives consideration to accommodating current or future cross-access between adjacent parcels and uses. As discussed below, the proposed project is in substantial compliance with the Existing Neighborhoods Building Block.

The special exception site contains approximately 3.9 acres and is nearly square in shape. Currently, the site consists of 64 vacant and undeveloped parcels. Should the special exception be approved, the platted subdivision will be abandoned by a block plat as part of the development process.

Vehicular access to/from the site is limited to East Golf Links Road, designated as an arterial gateway route with a future right-of-way of 200 feet on the Major Streets and Routes Plan map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 479 vehicle trips per day. Rick Engineering Company, the project engineer, estimates 581 vehicle trips per day will be generated by the facility. No traffic mitigation measures are anticipated to accommodate the project.

The Design Compatibility Report (DCR) states that an archaeological files search revealed no studies have been conducted on the special exception site. Twenty studies have been conducted within a one-mile radius of the site, associated with public infrastructure projects, as well as private development, and two archaeological sites have been found. Based on this information, the City's Historic Preservation Officer is requesting a study be conducted on the site prior to development (Preliminary Condition 3).

Design Considerations

Land Use Compatibility – The site is bounded by C-1 zoning on the west, north and east sides. Single-family homes exist to the north and east, with a commercial use to the west. No vehicular or pedestrian integration exists with the surrounding residential uses, and none is proposed. The site topography preempts integration with the commercial use to the west.

The preliminary development plan (PDP) shows the proposed structure in the west-central portion of the site. Parking is proposed to the west, south and east of the structure. Retention basins are proposed at the west and east ends of the site. The eastern-most basin will provide over 200 feet of separation between the vehicular use area and the residences adjacent to the east property line. A 10-foot wide landscape border will also be installed along the east property line. Currently, a 5-foot to 6-foot tall wall runs along the east property line. This wall is acceptable as the required screen wall for the east property line.

The DCR states the proposed building is to be 24 feet in height, and will be located 51.8 feet south of the north property line. The UDC requires a 36-foot setback (1.5 times the building height). A 10-foot wide landscape border and a 10-foot wide utility easement are included in the overall setback. No activities are programmed between the north building façade and the north property line. The existing wall along the north property line is acceptable for the required screen wall.

The trash/recycling enclosure is shown northwest of the building, approximately 22 feet south of the north property line, and the residential properties to the north. A special exception condition will require that the enclosure be located a minimum of 50 feet from a residential property line.

Drainage/Grading/Vegetation – The site was previously contoured and graded to accommodate the originally proposed residential subdivision. It will be re-graded to accommodate the proposed facility. The site receives runoff from the west, and the existing detention basin in the northwest corner of the site will remain unaltered to continue to receive this flow. On-line detention will be designed for 100-year event storage. PDSD Engineering is requiring an overall 15% reduction in peak stormwater discharge from the existing to the developed conditions, which is recognized and accounted for in the DCR (Preliminary Condition 12).

The aforementioned landscape borders, as well as the street landscape border (10 feet in width) and the vehicular use area landscaping are all required by the UDC. The detention/retention areas may also include landscaping.

The Tucson Department of Transportation has existing landscaping and irrigation in the Golf Links ROW along the site frontage. The developer is responsible for protecting both the landscaping and irrigation in place. Any plant materials or irrigation components in the ROW that are moved, removed or damaged during construction must be mitigated. New entrances must be provided with a 4-inch Schedule 40 sleeve for irrigation and a 2-inch Schedule 40 sleeve for irrigation wires. A planting and irrigation plan must be submitted if either are proposed in the ROW.

Road Improvements/Vehicular Access/Circulation – A full-access drive is proposed near the center of the site, to take advantage of an existing median break in Golf Links Road. An additional, secondary, access is proposed as a right-in, right-out drive, at the extreme west end of the site.

Public Support – The application was submitted with 36 letters of support from the surrounding property owners.

Zoning Examiner Hearing December 13, 2018

On December 13, 2018, a public hearing was held on this special exception land use request at City Hall, 225 West Alameda, Tucson, Arizona, pursuant to UDC Section 3.4.4 (Mayor and Council Special Exception Procedure). At the Public Hearing, Planning and Development Services Department (PDSD) staff reported

that there was one (1) written approval and five (5) written protests at that time. The written approval was on behalf of the Dietz Neighborhood Association. In addition, the file contains a petition in support of the special exception request signed by 25 persons, many of whom live in the area near the site, and 36 letters of support for the special exception request.

The Applicant gave testimony at the Public Hearing and described the reasons supporting the special exception request. The Applicant's representative addressed the fact that the waiting area for the proposed facility is slightly smaller than the Use-Specific Standard set forth in UDC 4.9.4.O.3.c. The Applicant's representative testified that the size of the proposed facility has been reduced from 15,200 square feet to 14,210 square feet, resulting in a corresponding decrease in the waiting room size under UDC 4.9.4.O.3.c from 1,520 square feet to 1,418 square feet. The proposed facility has a waiting room area of 1,370 square feet, which is 48 square feet (or approximately 3%) less than the UDC Use-Specific Standard. The Applicant's representative also testified that BioLife's method of operations reduces the waiting time for clients, by requiring scheduled appointments, pre-screening clients and other measures, such that the slightly smaller waiting area will not pose any problems. The Applicant agreed with the special conditions.

Two other persons, representing the Dietz Neighborhood Association also spoke at the Public Hearing, and gave testimony supporting the special exception request.

Conclusion – The special exception request is in substantial compliance with the *Plan Tucson* Existing Neighborhood building block. Furthermore, it meets all of the relevant policies of *Plan Tucson* policy LT28.2.10. The special exception request is also compliant with the UDC Use-Specific Standards set forth in UDC Sections 4.9.4.O.3 and 4.9.13.O. Subject to compliance with the special conditions, approval of the requested special exception for a blood donor facility is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the special exception request, subject to the special conditions.

Sincerely,

John Iurino
Zoning Examiner

ATTACHMENTS:
Case Location Map
Rezoning Case Map

cc: City of Tucson Mayor and Council

SE-18-67

BioLife - Golf Links Road

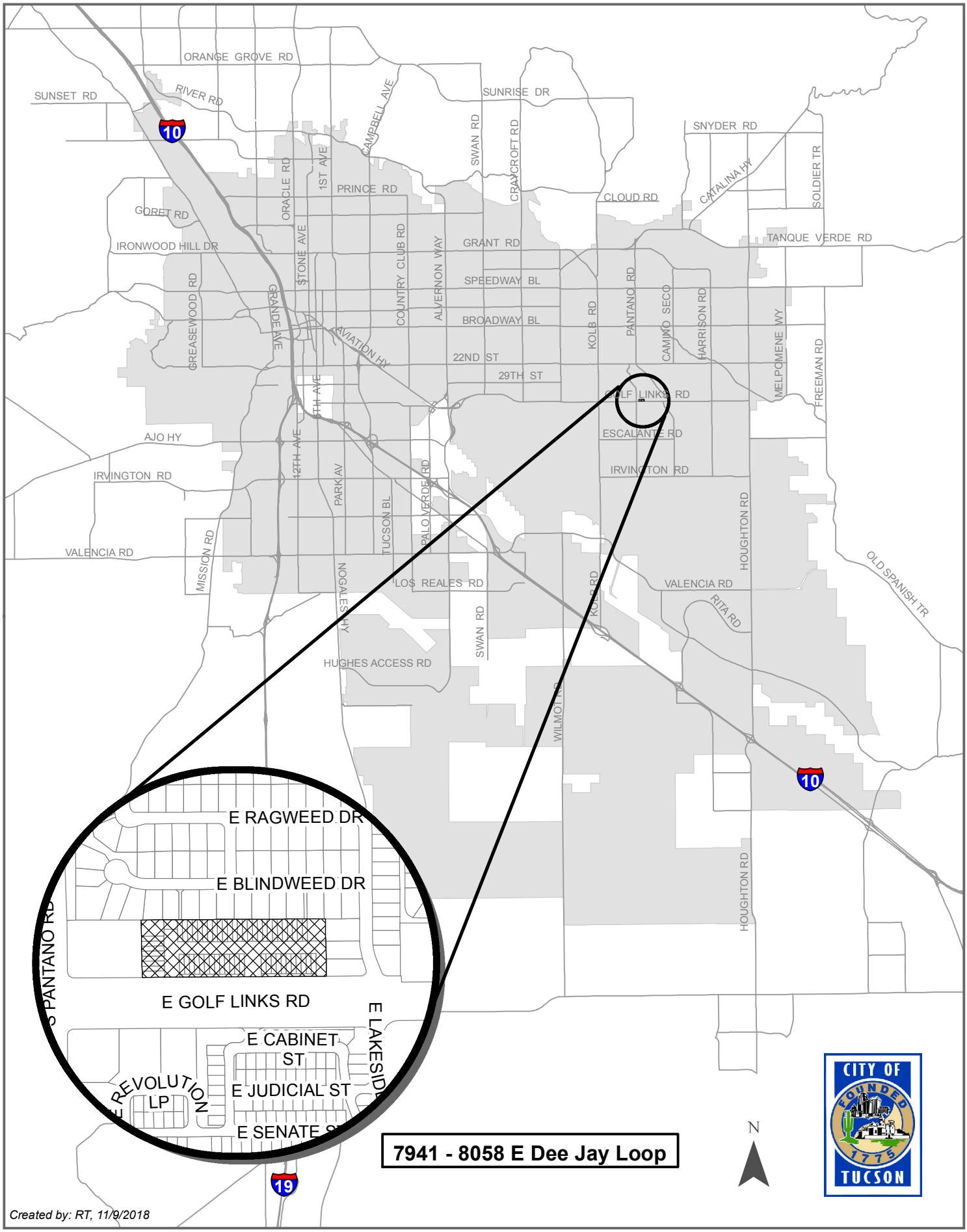
Area of Special Exception Request

Address: 7941 - 8058 E. Dee Jay Loop
Base Maps: Twp.14S Range15E Sec. 21
Ward: 4

N

Feet
0 150 300
1 inch = 300 feet

SE-18-67
Biolife - Golf Links



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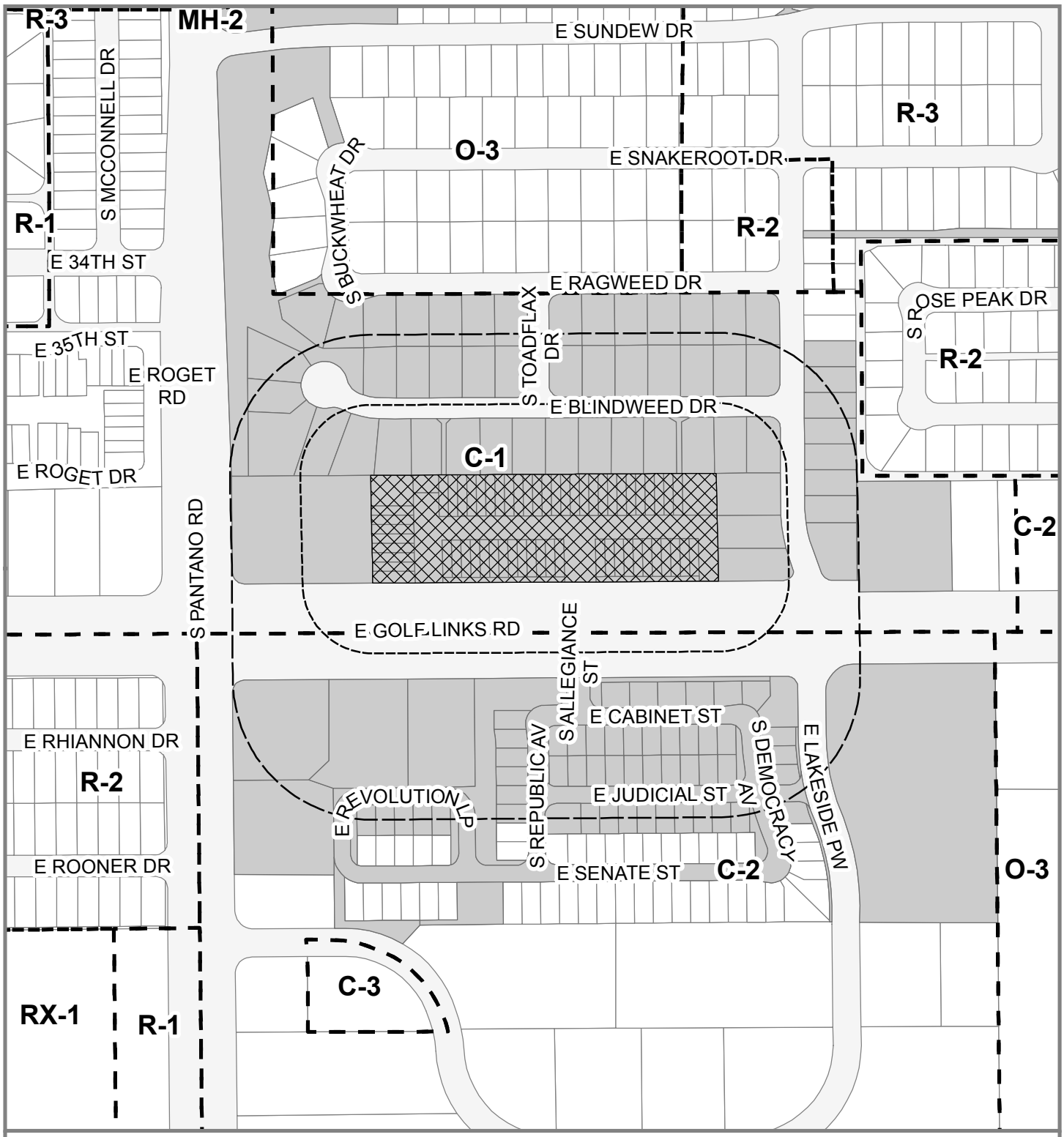
BioLife - Golf Links Road



Subject Property

Notification Area (300-foot Radius)

Protest Area (150-foot Radius)

Zone Boundaries

Properties Notified

Address: 7941 - 8058 E. Dee Jay Loop
Base Maps: Twp.14S Range15E Sec. 21
Ward: 4

Feet
0 150 300
1 inch = 300 feet

N

Created by: RT, 11/9/2018