



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

ZONING EXAMINER'S DECISION

December 22, 2016

Joseph Maher, Jr. AIA Architect
4849 E. Scarlett Street
Tucson, AZ 85711

**SUBJECT: SE-16-104 Tucson Baptist Church – Columbus Boulevard
Public Hearing: December 15, 2016**

Dear Ms. Smith,

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-16-104 Tucson Baptist Church – Columbus Boulevard**.

PUBLIC HEARING

December 15, 2016 Public Hearing - On December 15, 2016 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). At the October 20, 2016 Zoning Examiner's public meeting the Planning and Development Services Department (PDS) staff reported that at that time there was one written approval and no protest letters. The applicant and the property owner spoke in support of the special exception. The applicant agreed to all the special conditions.

FINDINGS

This is a request by Joseph Maher, Jr., Architect, on behalf of the property owner, Tucson Baptist Church, for a Special Exception Land Use to allow the expansion of enrollment for a Child Care use on a 5.34-acre church property as a special exception land use in the R-2 zone.

The expansion of the facility is for over 100 children from the current 30 children. The R-2 zone allows an increase to 'Child Care unlimited number of children' as a Zoning Examiner Special Exception per UDC Section 3.4.3. In the R-2 zone, this Child Care land use type is subject to Sections 4.9.4.H.1-.5, .6.c, .7.f, and .8 of the *Unified Development Code (UDC)*, Land use policy direction for this area is provided by *Plan Tucson*.

The preliminary development plan proposes the new infant care center will be in an existing one-story building that the church now uses as classrooms. The special exception site is located on the east side of Columbus Boulevard, about 1,000 feet south of 22nd Street. The existing Child Care center is 2,940 square feet of floor area and the 1,838 square foot proposed infant care will increase the overall Child Care space to 4,778 square feet.

Due to the location, near the center of the site, the Child Care buildings are completely screened from street views, and from adjacent residential and office zones, by the existing church and classroom buildings. There is also a small playground/recreation area with play equipment for use by children two years and older. This playground area is setback over 25 feet from the south property line, opposite the TUSD school site. The preliminary development plan shows a five-foot tall block wall to be constructed along the south boundary of the site to the south of the existing recreation area.

Existing and Surrounding Land Uses - The existing land use is a church with a child care facility. To the north is vacant land zoned O-3, to the south is Tucson United School District middle school zoned R-1, to the east is a charter school zoned C-1 and C-2 and to the west is multi-residential use zoned R-3.

Land Use Plans - Land use policy direction for this area is provided by *Plan Tucson*. The special exception site is located within an "Existing Neighborhood", as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are characterized in *Plan Tucson* as largely built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected in the next few decades.

The existing Child Care facility has been in the neighborhood for over five years. A Child Care facility in a neighborhood normally provides area residents with a typical neighborhood service for their children close to their homes.

Plan Tucson guidelines support residentially-scaled commercial and office uses along collector streets and address integrated land uses that support more effective use of resources, and sensitivity to neighborhood character.

The site fronts on Columbus Boulevard Street and is located approximately 1,000 feet south of 22nd Street. Columbus Boulevard is identified as a collector street on the Major Streets and Routes (MS&R) Map.

Use Specific Standards- The Child Care in the R-2 zone is subject to Sections 4.9.4.H.1-.5, 6.c, and .7.f, and .8 of the *Unified Development Code (UDC)*. The following standards have been reviewed for compliance:

4.9.4.H.1 Dispersal – 600 feet of separation between the special exception site and other Child Care facilities in residential zones is required. The site meets the separation requirement.

4.9.4.H.2 Licensing – Any required licensing by the State of Arizona for the use, shall be provided to the City prior to issuance of certificate of occupancy.

4.9.4.H.3 Hours and Days of Operations – The proposed Child Care hours of operation are limited from 6:00 AM to 7:00 PM. The applicant states the church will comply.

4.9.4.H.4 Building Setback – Minimum setback for all buildings is 20 feet. If a setback is less than twenty feet, the façade of the building adjacent to the property line shall have no windows or doors. All buildings comply with the 20-foot setback requirement.

4.9.4.H.5 Recreational Area – the minimum required setback of a recreational area is 25 feet from all property lines. The existing recreation area is at least 25 feet from the south property line and is in compliance with the requirement. Further, the standard requires a wall when adjacent to R-3 or more restrictive zoning. The applicant agrees to build the wall.

4.9.4.H.6.c Unlimited Number of Children – The current enrollment is approximately 30 children. The applicant states the enrollment may grow to be about 100 or more children.

4.9.4.H.7.f Site Size – The site is 5.34 acres, which exceeds the 14,000 square foot minimum required area for the R-2 zone.

4.9.4.H.8 Street Frontage – Site must front on a street on the Major Streets and Routes Plan (MSR) with no access from a local street. All access is from Columbus Boulevard which is identified as a collector street on the MSR Map.

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.

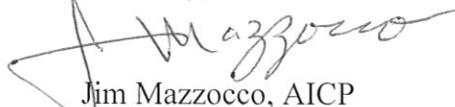
CONCLUSION

The special exception land use complies with *Plan Tucson*, and Use Specific Standards in Sec. 4.9.4.H. The proposal can be implemented through compliance with these standards and the attached special conditions. After reviewing the ordinances, land use plans, documentation, and public testimony, the Zoning Examiner finds that the proposed special exception meets applicable UDC standards.

DECISION

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

Sincerely,



Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

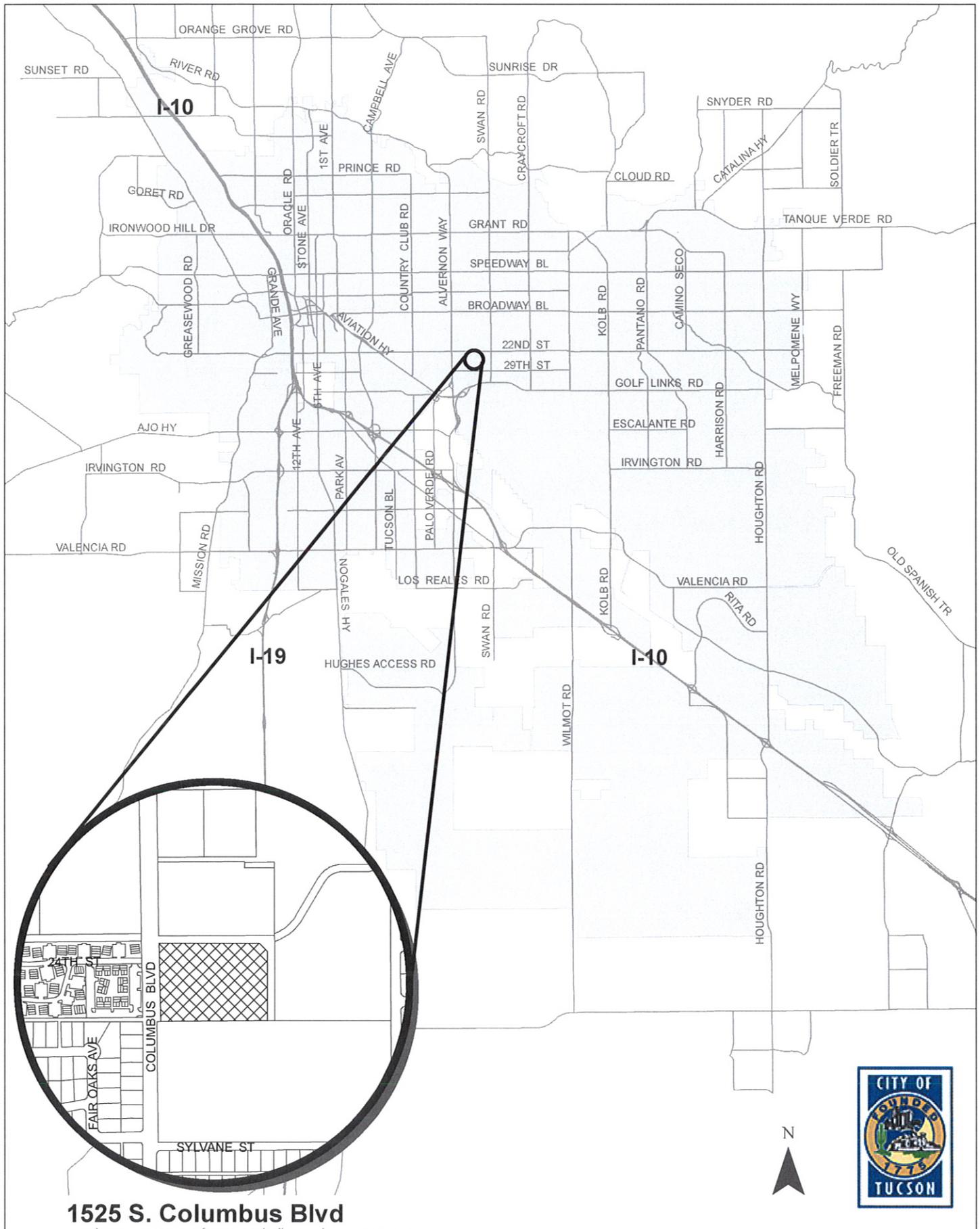
Case Location Map
Special Exception Case Map
Special Conditions

cc: City of Tucson Mayor and Council

SE-16-104 Tucson Baptist Church – Columbus Boulevard (Ward 5)
Zoning Examiner Special Conditions

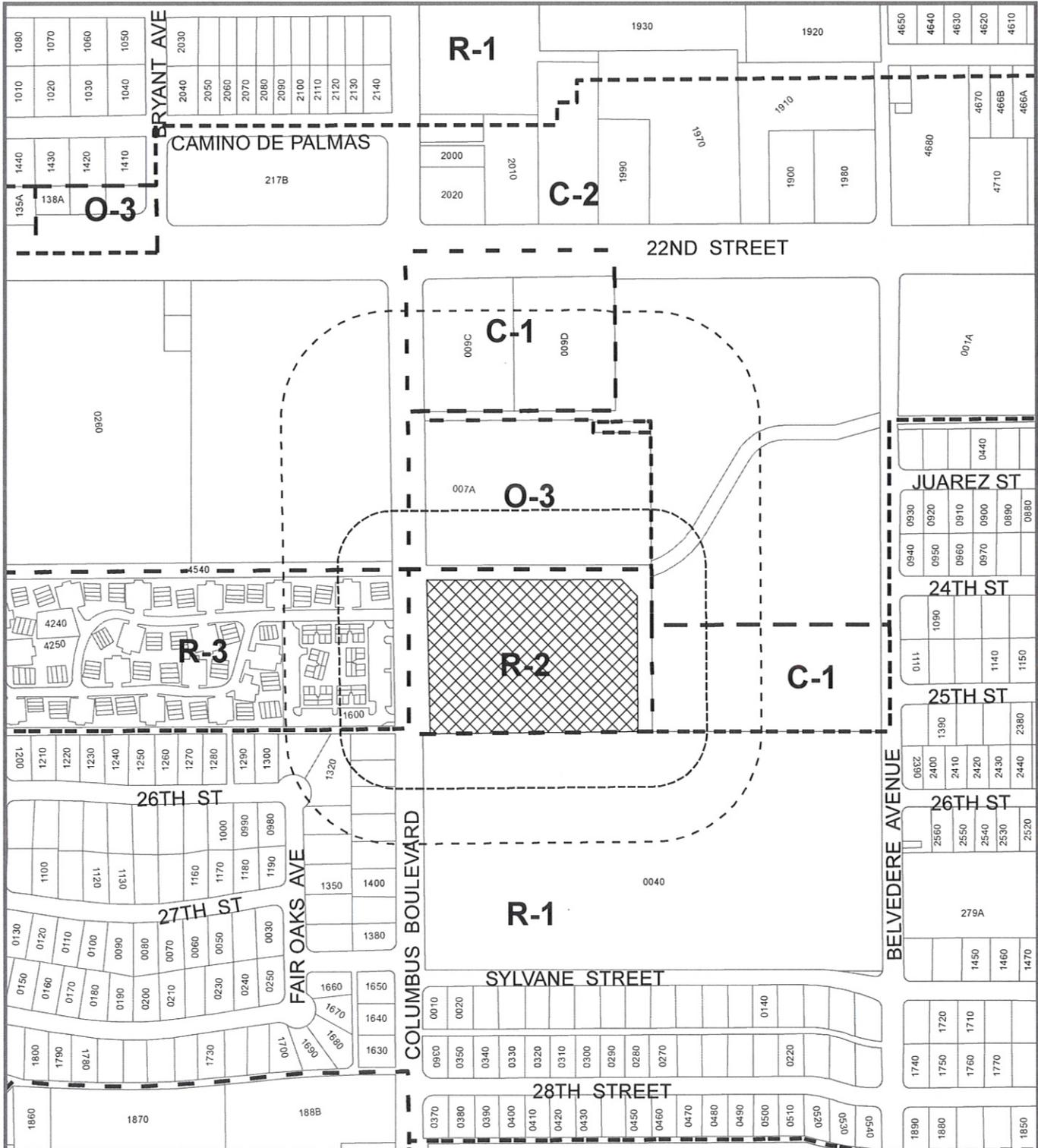
1. A site plan in substantial compliance with the preliminary development plan dated October 11, 2016, and the Design Compatibility Report, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under 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.

SE-16-104 Tucson Baptist Temple - Columbus Boulevard



1525 S. Columbus Blvd

SE-16-104 Tucson Baptist Temple - Columbus 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: 1525 S. Columbus Boulevard
 Base Maps: Sec.22 T.14 R.14
 Ward: 5

