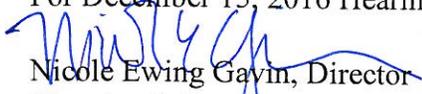




MEMORANDUM

TO: Jim Mazzocco
Zoning Examiner

DATE: November 30, 2016
For December 15, 2016 Hearing
FROM: 
Nicole Ewing Gaym, Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT
SERVICES REPORT
SE-16-104 Tucson Baptist Church – Columbus Boulevard, R-2 Zone (Ward 5)

Issue – 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 daycare use on a 5.34-acre church property as a special exception land use in the R-2 zone. The existing principle use on the property is a religious use, with daycare being a secondary use. The expansion of the childcare facility will allow an increase in capacity from 30 to more than 100 children. The preliminary development plan shows no new floor area is proposed as the new infant care center will be located in an existing one-story building currently used as classrooms by the church. The special exception site is located on the east side of Columbus Boulevard, approximately 1,000 feet south of 22nd Street (see Case Location Map). The existing child care center is 2,940 square feet of floor area and the 1,838 square conversion of classroom area to infant care will increase the childcare space to 4,778 square feet.

A daycare use of this type is allowed in the R-2 zone subject to Sections 4.9.4.H.1-.5, .6.c, .7.f, and .8 of the *Unified Development Code (UDC)*, but requires approval through a Zoning Examiner Special Exception Procedure, in accordance with *UDC* Section 3.4.3, due to the proposed increase in the enrollment. The Special Exception, if approved, will allow an unlimited number of children to be enrolled. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

Planning and Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested special exception, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Church and daycare

Surrounding Zones and Land Uses:

North: Zoned O-3; Vacant land
South: Zoned R-1; TUSD middle school
East: Zoned C-1 and C-2; Charter school
West: Zoned R-3; Multi-family residential

Previous Cases on the Property: None

Related Cases:

SE-12-62 Little Ranch – East Glenn Street, R-2 Zone

This was a request to allow the expansion of a non-conforming daycare as a special exception land use in the R-2 zone, on approximately 1.95 acres in the R-2 zone, on the north side of Glenn Street, approximately 300 feet west of Mountain Avenue. The Zoning Examiner approved the request on July 6, 2012.

SE-01-41 Child Parent Centers, Inc. – Drexel Road, R-2/O-3

This was a request to construct a new 9,930 square foot child care center, for a maximum of 88 children, on approximately 0.94 acres in the R-2 and O-3 zones, on the north side of Drexel Road between Park and Campbell Avenues. The Zoning Examiner approved the request on January 31, 2002.

Applicant's Request – The applicant is requesting a special exception for a day care (childcare) in accordance with UDC Section 3.4.3 to accommodate an increase in capacity from 30 to approximately 100 children or more.

Planning Considerations

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.

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. *Plan Tucson* policies also encourage the application of guidelines for development review to evaluate and provide direction for special exception applications, preserving and strengthening the distinctive physical character and identity of neighborhoods.

Other policies support appropriate non-residential uses, where the scale and intensity is compatible with adjacent uses. Appropriate locations for non-residential uses are supported, with priority for development in the existing urbanized area to meet residents' needs for goods and services; provide accessibility from adjacent neighborhoods; and, promote neighborhood identity, stability and visual character.

The existing childcare center has been in the neighborhood for over five years. The presence of a childcare facility in neighborhoods provides an opportunity for area residents to receive care and education for their children within their neighborhood. Proposed hours of operation are between 6:00 a.m and 7:00 p.m as allowed by the *Unified Development Code*. The current enrollment is approximately thirty children. Enrollment may grow to more than 100 children with approval of the requested Special Exception Land Use and the completion of the proposed infant care building. The facility is currently licensed by the State of Arizona.

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. The parcel to the north across Naylor Wash is vacant land, zoned O-3, owned by the church and is occasionally used by the church for overflow parking during religious services. To the east across Swan Park Wash is a charter school in C-1 and C-2 zoning. To the south is Naylor Middle School, a TUSD public school. To the west across Columbus Boulevard is multi-family residential development in the R-3 zone.

Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The daycare facility is located on a parcel with a principal use being a church (religious use). The site is currently developed with buildings, including the sanctuary, church offices, class rooms, chapel, and child care center totaling nearly 30,000 square feet of floor area, with approximately 19,000 square feet of first floor and almost 10,800 square feet being second floor area. The existing childcare center totals 2,940 square feet and the new infant care use from a converted classroom building will add 1,838 square feet of daycare floor area. Due to the location, near the center of the site, the daycare 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 2 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.

The proposal is in general compliance with the policies of *Plan Tucson*.

Road Improvements/Vehicular Access/Circulation – Access to the site is provided by Columbus Boulevard, designated a collector street with a future right-of-way of 64 feet on the *Major Streets*

and Routes (MS&R) Map. No additional right-of-way dedication will be required per the *MS&R Map*, and no changes are proposed to existing circulation or site ingress-egress. The increased traffic volume will not adversely impact traffic flow on Columbus Boulevard. With over 300 vehicle parking spaces on the site, and overflow parking provided on the church-owned property to the north, there is more than adequate parking provided. In addition, 25 bicycle parking spaces are available on the site.

Use Specific Standards

The day care use 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)*.

Staff has reviewed the proposal for compliance with the Use Specific Standards and makes the following findings:

4.9.4.H.1 *Dispersal* – Requires 600 feet of separation between the special exception site and other child care centers in residential zones. The site meets the separation requirement.

4.9.4.H.2 *Licensing* – If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided prior to issuance of certificate of occupancy. Applicant is aware of this requirement and states the facility is licensed by the State.

4.9.4.H.3 *Hours and Days of Operations* – Limits hours of operation to 6:00 AM to 7:00 PM. The proposed day care hours are to be from 6:00 AM to 7:00 PM.

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.

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 around 100 or more children.

4.9.4.H.7.f *Site Size* – The site is 5.34 acres in size, which well exceeds the minimum required area.

4.9.4.H.8 *Street Frontage* – Site must front on an MS&R street with no access from a local street. All access is from Columbus Boulevard, identified as a collector street on the *MS&R Plan Map*.

Staff finds the proposal to be in compliance with the *UDC* Use Specific Standards.

Conclusion – The request to allow expansion of the use to increase enrollment will have no detrimental effects on the neighborhood and will provide additional services to the community. No new buildings are proposed and the use and site design are in substantial compliance with the *Plan Tucson*. The use has been conducted at this location since 2011, and through design and scale the site is compatible with surrounding properties. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

PROCEDURAL

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.

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.

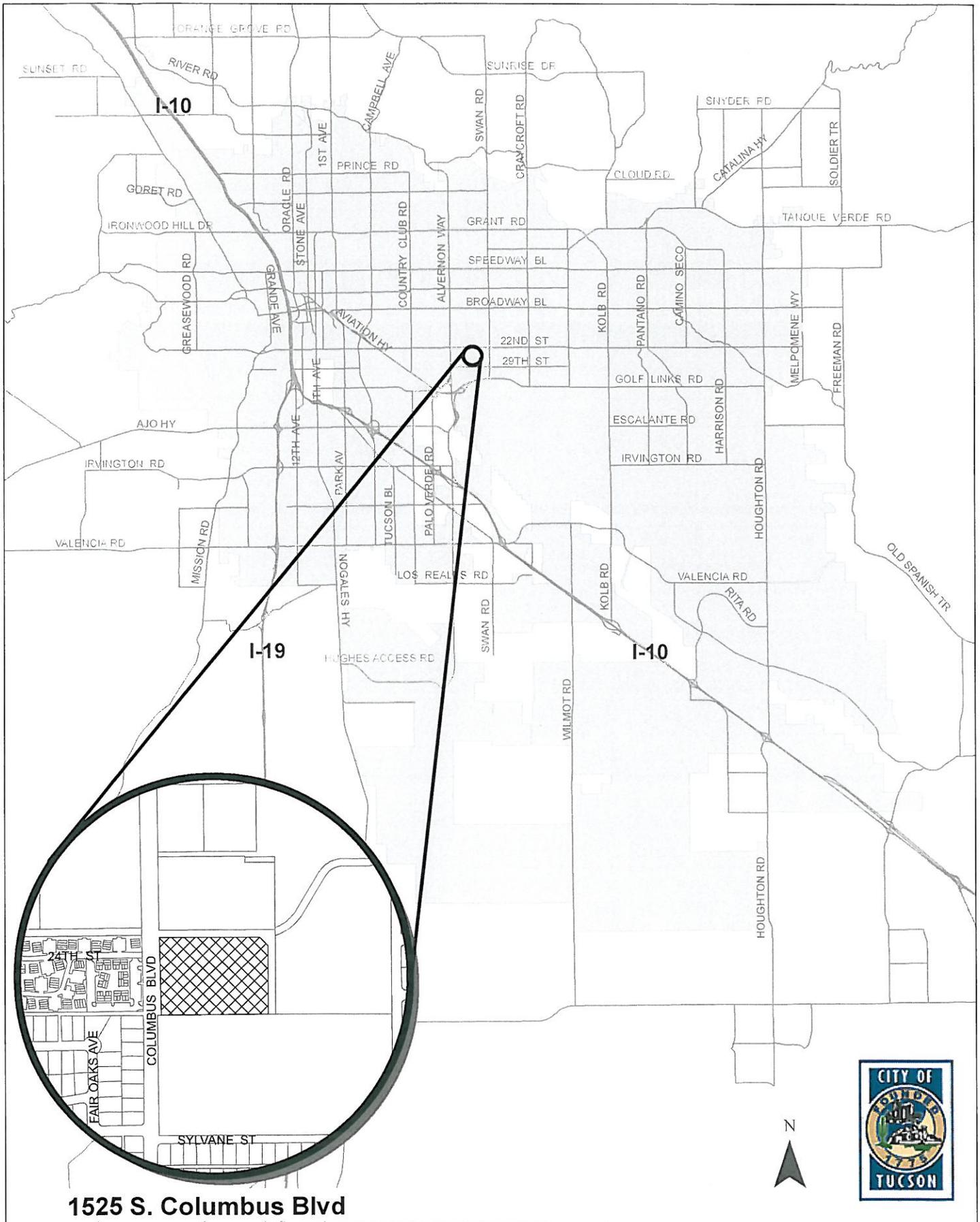
By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case _____.

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.

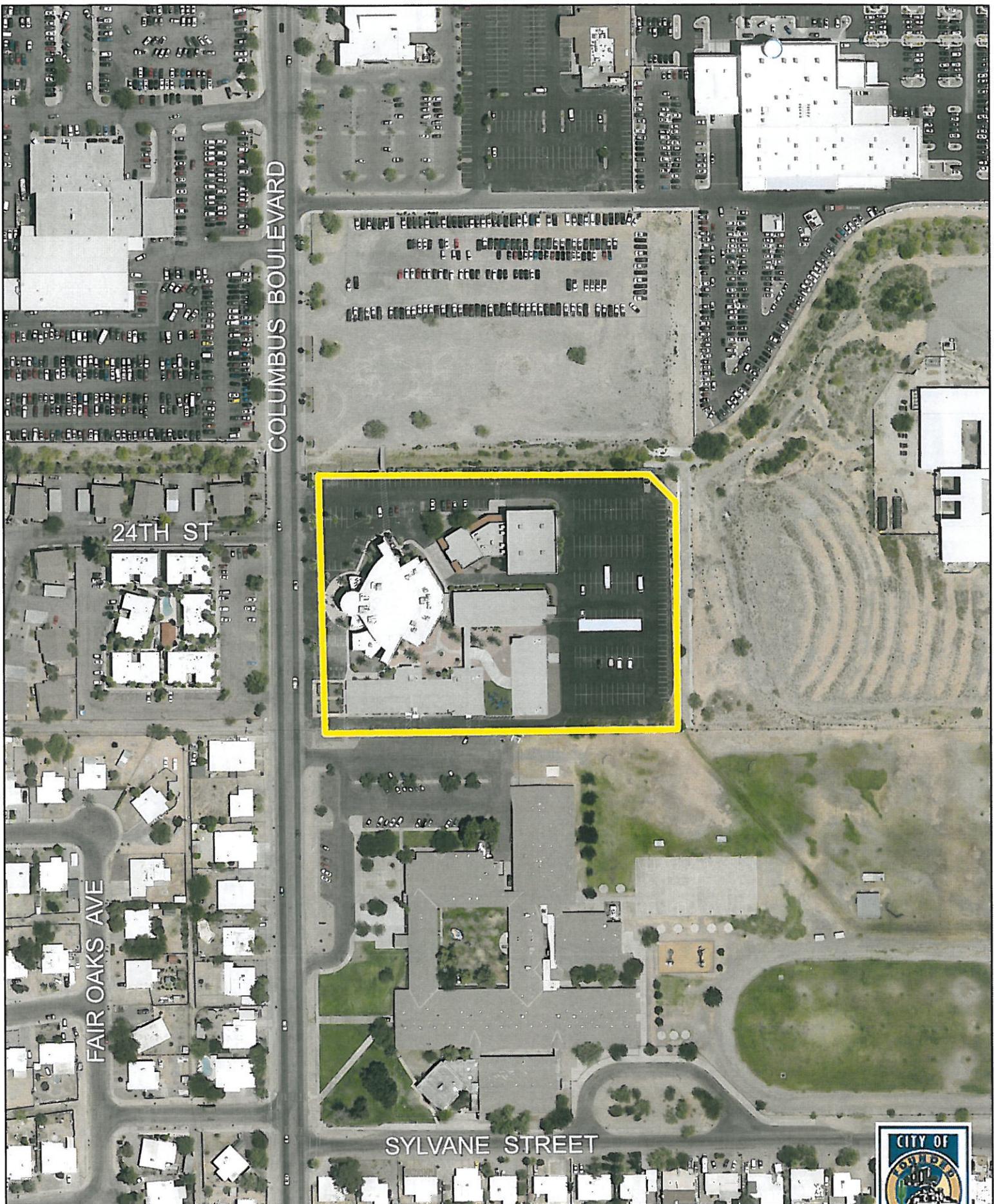
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior 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.

SE-16-104 Tucson Baptist Temple - Columbus Boulevard



1525 S. Columbus Blvd



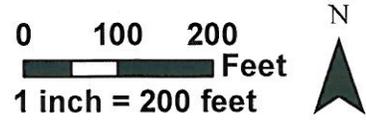
COLUMBUS BOULEVARD

24TH ST

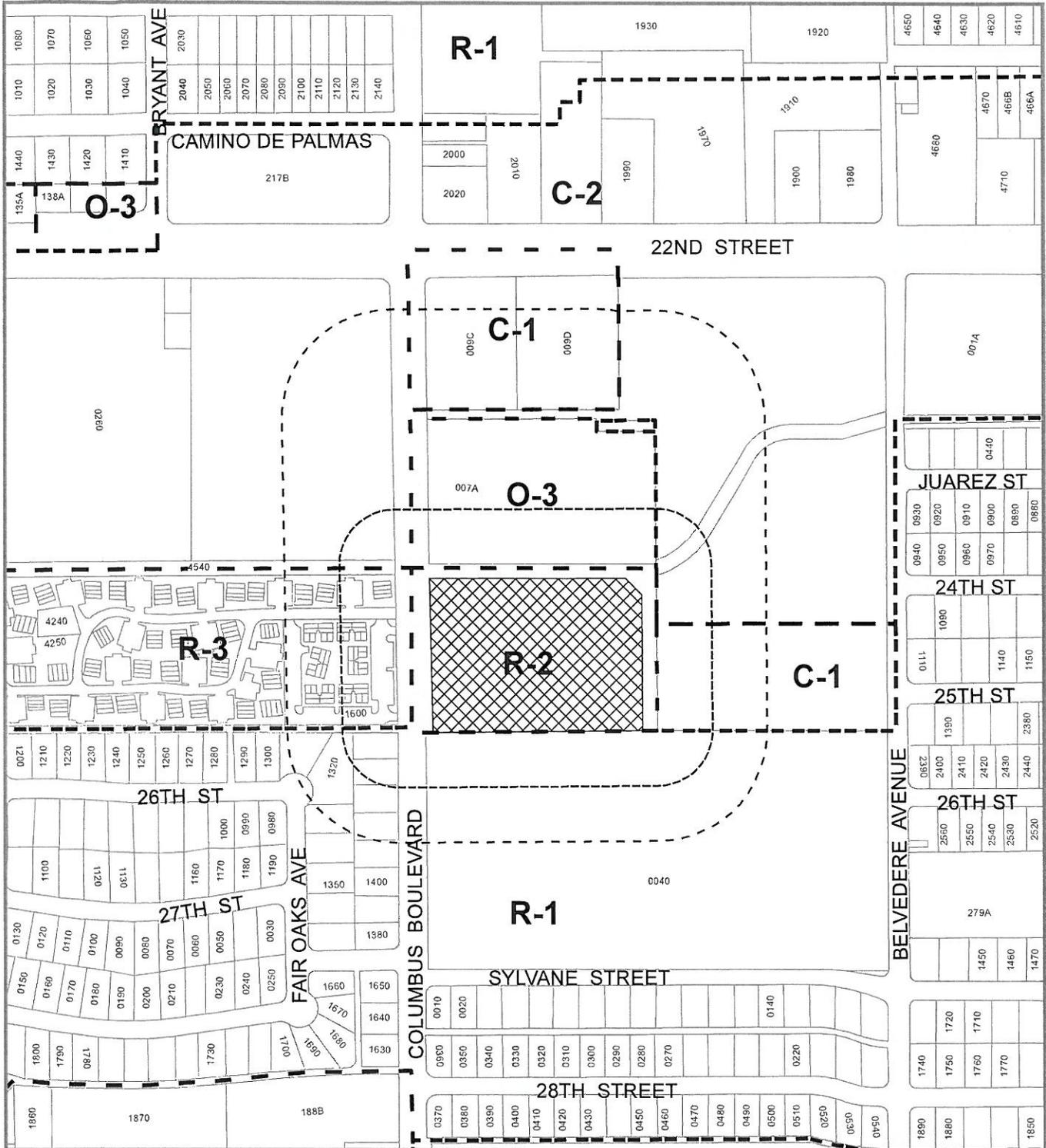
FAIR OAKS AVE

SYLVANE STREET

**SE-16-104 Tucson Baptist Temple -
Columbus Boulevard**
2016 Aerial



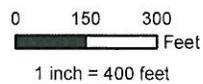
SE-16-104 Tucson Baptist Temple - Columbus Boulevard Z.E. Special Exception



-  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



PUBLIC FACILITIES AND SERVICES REPORT FOR December 15, 2016
(as of November 9, 2016)

SE-16-104 Tucson Baptist Church – Columbus Boulevard, R-2 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 10/19/16.

Planning & Development Services – Sign Code See attached comments dated 10/31/16.

Planning & Development Services – Community Planning: See attached comments dated 11/3/16.

No Objections Noted

Planning & Development Services – Engineering

Planning & Development Services – Landscape

Office of Conservation & Sustainable Development

Transportation – Engineering

Transportation – Traffic Engineering

Tucson Fire Department

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, November 30, 2016 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

SE-16-104



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

SE-16-104
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED