



# MEMORANDUM

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DATE: July 25, 2007

*Albert Elias*

TO: Ernie Duarte  
Director of Development Services

FROM: Albert Elias  
Director of Urban Planning  
and Design

SUBJECT: Permitted Land Uses for Development Area 2 of the Gateway Centre PAD

The purpose of this memo is to make a determination if a printing establishment is an allowable permitted use within Development Area 2 of the *Gateway Centre Planned Area Development*.

The *Gateway Centre Planned Area Development* serves both a planning function and a regulatory function as it implements the City's adopted *General Plan*. The PAD objectives include the fostering of economic growth in the community through appropriate land uses, including intensified development within the designated "activity centers" for this PAD. These development areas, identified 1 through 10, describe the appropriate land use intensity and permitted uses within these designated areas, including regulations covering the development of these areas. It should be noted that where the PAD is silent or unclear, the Land Use Code becomes the guiding document.

The text portion of the PAD document under the Land Use section for development within the urban core activity center calls out that non-residential are primarily office and commercial, which provides a focus of employment and commercial activity for the Tucson Metropolitan area. The urban core "Activity Center", is further broken down into seven development areas. The uses proposed in these areas were identified in a conceptual development layout based on market conditions at the time of adoption. These identified conceptual uses are too specific to determine principal land uses over the life of the PAD.

The *Land Use Code* classifies land uses into categories in order to identify different activities within the City. The categories of land use that refer to a primary activity, such as Residential or Commercial, are called Land Use Groups. Land Use Groups are used in the LUC to identify the primary activity in each zone. Each Land Use Group is further divided into more specific listings based on their similarity of functional characteristics, such as, Administrative and Professional Office or Technical Services, and are referred to as Land Use Classes. The Land Use Class specifies allowed uses within each zone.

Development Area 2 of the PAD lists specific Land Use Classes, i.e. Office, Tourist Commercial, and Commercial Recreation, which are found under the Commercial Land Use Group, and within the C-1 and C-2 Zones. The proposed printing establishment falls under the land use class of *Technical Services* within the Commercial land Use Group, which is allowed within the C-1 and C-2 Zones. Therefore, a printing establishment use is consistent with the land use concept

**TO:** Ernie Duarte, Director

**RE:** Permitted Land Uses for Development Area 2 of the Gateway Centre PAD

**Page 2**

identified for the PAD's 'Activity Center', and for Development Area 2 which is included within the 'Activity Center' area.

In addition, all future interpretations of proposed land uses in the 'Activity Center' will be based on the land use classes allowed in C-1 and C-2 Zones of the Land use Code. These uses will continue to meet all other criteria found within the PAD document.

c: Craig Gross  
Jim Mazzocco  
Roger Howlett

S:CASREV/PADS/Minor Changes and Interpretations/Gateway Centre PAD



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

April 24, 2008

Mr. Mike Grassinger, AICP  
The Planning Center  
110 S. Church, suite 6320  
Tucson, AZ 85701

**SUBJECT:** Proposed Post-Secondary Educational Use in Development Area 3  
of the Gateway Centre Planned Area Development (PAD).

Dear Mr. Grassinger:

The Planning Staff has reviewed your letter (attached) requesting a determination that the conversion of the existing theaters to an educational facility, similar to the University of Phoenix offering post-secondary degrees and certificates such as nursing and dental technician, would be allowed in Development Area 3 of the Gateway Centre PAD.

Development Area 3 of the Gateway Centre PAD calls out for primary uses to be: office, tourist commercial, commercial recreation, residential, and parking.

The Gateway Centre PAD establishes a land use concept that permits high intensity of mixed-uses with non-residential uses, primarily office and commercial. In the past, Staff has used C-1 as the equivalent zone for this area when a use determination is requested. Note that all parking requirements: required spaces, screening and landscaping shall be determined at the ratios set forth in the City of Tucson Land Use Code.

Staff has determined that the conversion of the existing theaters to an educational facility, i.e. post-secondary educational use, is consistent with the intent of the Gateway Centre PAD and is an allowed use in Development Area 3. Additionally, it is determined that this request is not considered substantial enough to be processed as a major amendment to the PAD, and is approved.

Sincerely,

Albert Elias, AICP  
Director of Urban Planning and Design

c: Jim Mazzacco, DUPD  
John Beall, DUPD  
Roger Howlett, DUPD

Attachments: Applicant's Request

S:CASREV/PADS/Minor Changes and Interpretations/Gateway Centre/Development Area 3

June 16, 2008



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

David Skinner  
Permit Coordinator  
Cyntergy AEC  
320 S. Boston Ave., 12<sup>th</sup> Floor  
Tulsa, OK 74103

**Subject:** Interpretation for Wal-Mart Store #1291 at 7150 E. Speedway  
in Tucson of the Gateway Centre Planned Area Development (PAD)

Dear Mr. Skinner:

The Planning Staff has reviewed your letter (attached) requesting a determination that the proposed expansion of a glazed canopy to accompany a garden center area is subjected to Tucson's 'big box' requirements, and if there any other conditions or restrictions that you should be aware of in pursuing this project.

The Wal-Mart Store #1291 is within Development Area 1 of the Gateway Centre PAD, which allows large retail establishments over 100,000 square feet.

Staff has determined that the proposed expansion for a garden center is consistent with the intent of the Gateway Centre PAD, and is allowed in Development Area 1. However, the proposed project would need to meet required parking and landscaping requirement at the ratio set forth in Section 3.3.0 of the Tucson Land Use Code.

Sincerely,

Albert Elias, AICP  
Director of Urban Planning and Design

c: Jim Mazzacco  
Roger Howlett  
John Beall

Attachments: Applicant's Request Letter

September 16, 2003



CITY OF  
TUCSON

DEVELOPMENT  
SERVICES  
DEPARTMENT

ZONING  
ADMINISTRATION

Debbie W. Heslop  
Tucson Realty & Trust Co.  
335 N. Wilmot, Suite 505  
Tucson, AZ 85711-2632

SUBJECT: 7140 East Rosewood, PAD-3 - Former Luby's Restaurant Site

Dear Ms. Heslop:

Thank you for your letter, dated August 25, 2003, regarding the above referenced PAD site. The project is located within PAD 3 of the Gateway Centre Planned Area Development (PAD) and is addressed 7140 East Rosewood Street. The site is commonly referred to as the former Luby's Restaurant site. You are requested clarification on whether the following land uses are permitted in PAD 3; Retail, Church, Charter School, Professional Training Company, Office, Medical, Comedy Club, Night Club, Athletic Facility and/or Restaurant.

The Zoning Administration Division, in consultation with the Community Planning Task Force, has reviewed your letter, and the LUC regulations applicable to PAD 3 of the Gateway Centre. The following land uses are permitted in PAD 3; Office, Medical Service, Athletic Facility, Restaurant and Retail uses. The following land uses are not permitted in PAD-3; Church, Charter School, Professional Training Company, Comedy Club and Night Club. Please note that a copy of this letter must be attached to the project's site plans when submitted to the Development Services Department (DSD), 1<sup>st</sup> floor, 201 North Stone Avenue for the zoning compliance review process. If you should require further LUC information from the Zoning Administration Division, please contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) at (520) 791-4541.

Sincerely,

  
Walter Tellez  
Zoning Administrator

s:zoning administration/zoning/2003/7140rosewood.doc

c: Roger Howlett, Comprehensive Planning Task Force

DEVELOPMENT SERVICES DEPARTMENT • 201 NORTH STONE AVENUE  
P.O. BOX 27210 • TUCSON, AZ 85726-7210  
PHONE (520) 791-4541 • FAX (520) 791-4340



November 18, 2008



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

Mr. Michael Schooler,, Project Architect  
Gromatzky, Dupree & Associates – Southwest LLC  
250 S. Craycroft Rd., Suite 200  
Tucson, AZ 85711

Dear Mr. Schooler:

**Subject:** Interpretation for Allowed Land Uses for Lot 5, Block 3 – Gateway Centre  
Planned Area Development (PAD-3)

Staff has reviewed your request (attached) for clarification regarding allowed land uses for Lot 5, Block 3 in Development Area 3 of the Gateway Center PAD.

There was an amendment to the PAD document on October 26, 1992, Resolution 16142, to include parking as a primary permitted use in Development Area 3 for a five-acre parcel located at the southwest corner of Rosewood Street and Gateway Center Circle. Although the PAD document Exhibit 4 of Principal Land Uses appears to delineate this area for parking only; further research has confirmed that the other permitted uses for Development Area 3 are allowed for Lot 5, Block 3.

Lot 3, Block 5 in Development Area 3 was developed at the time with the purpose of providing the overflow parking and special event parking for an ice-skating facility located across the street. The Gateway Centre PAD is specific about integrating a mix of land uses, and incorporating internal circulation, common access, and shared-parking. These design elements should be incorporated into the Development Plan for the proposed Gateway Professional Offices project on Lot 5, Block 3, i.e. visible pedestrian path that leads from the former ice-skating facility to the overflow/shared parking areas as provided by this project.

Staff has determined that the proposed Gateway Professional Office project for Lot 5, Block 3 is a permitted land use allowed in Development Area 3 of the Gateway Centre PAD for the 5-acre parcel at the southwest corner of Rosewood Street and Gateway Center Circle.

Sincerely,

Albert Elias, AICP  
Director of Urban Planning and Design

c: Jim Mazzacco, DUPD  
John Beall, DUPD  
Patricia Gehlen, DSD

Attachments: Applicant's Request Letter

**From:** "Michael Schooler" <mschooler@gdasw.com>  
**To:** <john.beall@tucsonaz.gov>  
**Date:** 11/13/2008 7:28 PM  
**Subject:** Gateway Centre PAD

Good evening John,

Thank you for speaking with me this week regarding our proposed development on Lot 5, Block 3 (Gateway Professional Offices). The concern you raised to me was that the lot in question was indicated in the PAD for parking and at the very least we might need a clarification, and at worst we would need a major revision to the PAD. I've gone through the PAD in some detail and put forth the following language for your consideration on page IX-65: "October 26, 1992 Resolution #16142; The approved amendment allows parking as a primary permitted use on a five-acre parcel located at southwest corner of the Rosewood Street and Gateway Center Circle." I have not reviewed the actual resolution language, but as it reads in the PAD the statement says "...allows... as a primary permitted use..." which leads me to conclude it is adding parking as a primary permitted use, not intending it to be the sole primary use. On page IX-40, under "Development Area 3; a. Primary Uses Permitted:" it plainly states "Office; Tourist Commercial; Commercial Recreation; and Parking (as approved per Resolution 16142 for five-acre parcel...". This clearly states that the Resolution is only adding Parking to the list of permitted primary uses to the five-acre parcel since parking is not a permitted primary use in this Development Area and the delineation of the parcel on the accompanying map is only there to provide clarification as to where the parcel sits. All of this makes sense in the light that the parcel was developed in order to supply additional parking to the Iceoplex development and the PAD would not allow parking as a primary use at the time.

I feel the language is very clear in what it is stating, so what I ask is that you review my interpretation of the PAD language and determine if you still require a letter. If you need any additional information or you would like to discuss this further, please don't hesitate to call or email me using the information provided below.

Regards,

Michael Schooler

[www.gdainet.com](http://www.gdainet.com) <<http://www.gdainet.com/>>



CITY OF  
TUCSON

DEVELOPMENT SERVICES CENTER

July 2, 2009

Mr. Philip Skillings  
Bourn Partners  
3915 E. Broadway Blvd.  
Tucson, AZ 85711

Dear Mr. Skillings:

**SUBJECT:** 7333 / 7373 E. Rosewood Street – Exterior Mural Requirement in the Gateway Centre Planned Area Development

The Planning and Development Services Director has reviewed your letter (attached) requesting a determination to substitute the requirement of a mural along on the north side of the former ice skating facility along the Pantano Wash. The proposed elevation and façade improvements include a contemporary earth-toned color scheme and fenestration pattern that provides a visually interesting design on the building wall surface along the Riverpark, and addresses pedestrian safety with enhanced site lighting.

It should be noted that on October 7, 1996, the Mayor and Council approved a request to reduce the Riverpark easement width from 20 feet to 6 feet along the area of this site that abuts the Pantano Wash, subject to certain conditions. These conditions were made specifically for the Iceoplex Complex, and included that a mural be added to the east facing wall of the expansion of the building. The final design, location, and size of this mural was to be acceptable by the city

The conditions included in the approval to reduce the Riverpark easement focused on a different type of land use and building. Today that is no longer the case with the re-development of the facility into an office building/passport printing facility. This facility is under contract with the Department of State, and hence requires the building to remain as inconspicuous as possible so that it does not attract attention.

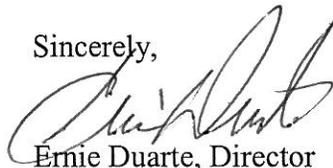
Mr. Philip Skillings  
July 2, 2009  
Page Two

The Gateway Centre PAD serves as both a planning function and a regulatory function, and as a result, is the implementation tool for the City of Tucson's adopted *General Plan*. The Gateway Centre PAD calls for an urban design character that employs a variety of architectural designs, and provides for pedestrian safety along the Riverpark.

These proposed design changes, along with the request to substitute the requirement of a mural along on the north side of the former ice skating facility along the Pantano Wash is consistent with the intent of the Gateway Centre PAD. It is determined that this change is a non-substantial change and is approved by the Planning and Development Services Director.

Please note that a copy of this letter must be attached to the development plat.

Sincerely,



Ernie Duarte, Director  
Planning and Development Services Department

C Craig Gross, P&DS  
Jim Mazzocco, P&DS  
John Beall, P&DS

Attachments: Applicant's Request



June 17, 2009

Mr. Ernie Duarte  
City of Tucson Development Services  
201 North Church  
Tucson, AZ 85701

RE: 7333 / 7373 E. Rosewood Street  
Exterior Mural Requirement

Dear Mr. Duarte

Thank you for your consideration of our request to eliminate the legacy requirement for the installation of a mural on the north (Pantano Wash) side of the former ice skating facility. Much has changed since the initial requirement was put in place, the most significant being the re-development of the facility into an office building. Part 1 of the re-development converted the south portion of the facility into the Tucson Passport Center, a passport printing facility operated by Stanley Associates under contract with the Department of State. Part 2, currently under construction, is converting the north portion of the facility into the Western Passport Center, a Department of State adjudication center under lease by the General Services Administration.

The following are the more significant improvements we have made as part of this re-development:

- Re-painting of the entire building with a contemporary earth-toned color scheme
- Fenestration of the north Pantano Wash facing facade windows
- Fenestration of the east, west and south facing facades with windows and entryways
- Enhanced site lighting

Some other considerations that materially affect the current function of the facility include:

- 24 hour CCTV and physical surveillance conducted by Diplomatic Security

I am attaching a photograph that exhibits the new color scheme and an architectural drawing depicting the fenestration added to the Pantano Wash facing facade. As always, please contact me with any questions or comments you may have. Once again, thank you for your thoughtful consideration in this matter and all of the help you and your staff have contributed on behalf of this project.

Sincerely,



Philip Skillings



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

October 21, 2013

Mr. Frank Bangs  
Lazarus, Silvyn & Bangs, P.C.  
4733 East Camp Lowell Drive  
Tucson, AZ 85712

Dear Mr. Bangs:

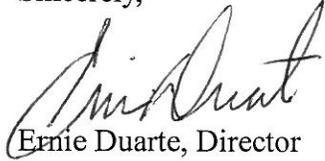
Subject: Determination Letter for Wal-Mart Store #1291, 7150 East Speedway Boulevard, / Development Area 1 – Gateway Centre Planned Area Development

I have reviewed your letter (see attached) requesting determination regarding the following items :

- 1) *Does the Store expansion require an amendment to the Gateway Centre PAD?* The Wal-Mart Store is an allowed use within Development Area. An amendment is not needed for then proposed store expansion as long as the proposed expansion complies with the development standards as set forth by the Gateway Centre PAD.
- 2) *Do the City's Large Retail Establishment (LRE) regulations apply to the Store expansion?* No. The City of Tucson determined in a response to an inquiry from Wal-Mart in 2008 that the Gateway Centre PAD allows large retail establishments over 100,000 square feet.
- 3) *What procedure will be followed for the review and approval of the Store expansion?* The Store expansion will be reviewed as per UDC Sec. 3.3.3.G with final approval by the PDS Director.
- 4) *What is the minimum width of the "setback area" described in the Gateway PAD [P.IX-3, Para. 1(c)(7)]?* The "special landscape requirements" identifies the landscape composition for the setback areas along Kolb Road and Speedway Boulevard as earth mounding, ground covers, shrubs and trees. And no parking shall be permitted in these setbacks. The minimum width for these setbacks along Kolb Road and Speedway Boulevard is addressed in under Development Area 1, c. General Development Standards, 'not less than 20-feet'.

Please note that a copy of this letter must be attached to any development plan / package submitted for the Wal-Mart expansion in Development Area 1. And any future Wal-Mart expansion will be in compliance with applicable development standards of the Gateway Centre PAD as referenced in your request letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernie Duarte". The signature is fluid and cursive, with a large initial "E" and "D".

Ernie Duarte, Director  
Planning and Development Services Department

Attachments: Applicant's Request



LAW OFFICES OF

Lazarus, Silvyn & Bangs, P.C.

A PROFESSIONAL CORPORATION

October 10, 2013

Via Email & First Class Mail

Mr. Ernie Duarte, Director  
Planning & Development Services Department  
City of Tucson  
201 N. Stone Ave.  
Tucson, Arizona 85701

Re: Wal-Mart Store #1291, 7150 E. Speedway Blvd.; Request for Determination

Dear Ernie:

Our firm represents Wal-Mart Stores, Inc. ("Wal-Mart") in connection with the proposed expansion of its existing Store #1291 located at 7150 E. Speedway Blvd. (the "Store"). The Store's expansion raises several questions about the application of the City of Tucson's zoning regulations. Wal-Mart seeks a determination on those questions from the Planning & Development Services Department ("PDS") before proceeding with more detailed planning for the project.

Existing Development. The Store was constructed on Lots 2-5, Block 1 of the Gateway Centre Subdivision, Bk. 40, Pg. 47 of Maps & Plats, C12-86-30, following approval of a development plan for the Store site, D.P. Bk. 11, Pg. 38 on February 11, 1993 (Exhibit 1). The 1993 development plan shows a building of 125,511 sq. ft., with a future expansion of 27,640 sq. ft.

A subsequent enclosure of the Store's garden center has increased the gross floor area of the existing building to approximately 132,100 sq. ft. Historically, the Store has sold food and beverage products, although no fresh food. About 10 years after the Store was constructed, Wal-Mart purchased Lot 1 of Block 1, which was developed in 1987 with a bank building and related site improvements, D.P. Bk. 7, Pg. 1, C12-86-30B (Exhibit 2).

Applicable zoning. Development and use of the Store site and the former bank site is governed by the Gateway Centre Planned Area Development ("Gateway PAD"), first adopted in 1983 as a specific plan. Both properties are located in Development Area 1 of the Gateway PAD, pp. IX-37, 38 (Exhibit 3), which describes permitted uses and development standards. Development of any particular site within the Gateway PAD follows a two-step process: approval of (i) a subdivision plat and (ii) a "site development plan," Gateway PAD, pp. IX-52 to 54 (Exhibit 4). Both steps were accomplished for the Store and former bank sites.

Proposed expansion. Wal-Mart's expansion of the Store is shown on: (i) a conceptual site plan and that site plan superimposed on an aerial photo of the existing store site (Exhibit 5), and (ii) conceptual elevations of the expanded Store (Exhibit 6). The conceptual site plan is based on information of record for the existing Store and site improvements. Wal-Mart's consultants are in the process of obtaining ALTA survey and topographic data of current site conditions. Consequently, a formal amended development/site plan submittal with elevations may vary from these conceptual plans and elevations. Significant features of the expansion are:

- The gross floor area of the Store will increase by 49,767 sq. ft., from 132,100 sq. ft. to 181,867 sq. ft. Most of that expansion will occur on the Store's west side. Smaller extensions are planned on the north side for new vestibules, and on the south side for an additional loading dock.
- The former bank building (6,276 sq. ft.) will be demolished, and its site merged into Store site. The net increase of floor area on the larger store site will be 43,491 sq. ft.
- A second loading dock will be added on the south side of the Store.
- A new driveway (right in, right out only) will be added on the Kolb Rd. frontage for improved truck access to the rear of the Store.
- Compliance with applicable development standards of the Gateway PAD, including building setbacks, maximum floor area ratio, maximum building coverage, maximum building height, parking, minimum landscape coverage, and special landscape setbacks for the Kolb Rd. and Speedway Blvd. frontages.

Determination request. With the understanding that final expansion project approvals will be predicated on complete site plan submittals, Wal-Mart requests a preliminary PDSD determination on the following questions:

1. *Does the Store expansion require an amendment to the Gateway PAD?* We do not believe the proposed expansion creates the need for an amendment for the following reasons:
  - Under the Gateway PAD, "Retail Commercial" is a permitted use in sub-areas 1a and 1b (which include all the land in the expanded Store site) of Development Area 1, Gateway PAD, p. IX-37. The term, "commercial retail," is not defined in the Gateway PAD, pp. IX-7, 8. However, Table 1 of the Gateway PAD, "Statistical Summary of Gateway Centre," p. IX-19, describes various categories of commercial uses and the planning areas in which they are permitted. In addition to Retail, the other categories of Commercial are: Recreation, Tourist, Service and General. The three specific named categories support a conclusion that Retail Commercial includes the retail commercial uses that Wal-Mart has conducted and will continue to conduct on the expanded Store site.

- It is Wal-Mart's intention that the proposed Store expansion will comply with the development standards imposed by the Gateway PAD for Development Area 1, subsection 1(c), p. IX-37, 38. Based on its preliminary understanding of site conditions and the proposed expansion design, Wal-Mart does not intend to seek any changes to or deviations from those standards.
  - The demolition of the former bank building and expansion of the existing Store building is not inconsistent with the Gateway PAD which shows no building footprints, conceptual or otherwise, focusing instead on allowed uses and design standards.
2. *Do the City's Large Retail Establishment (LRE) regulations apply to the Store expansion?* The LRE regulations should not apply because:
- The 1999 amendments adopting the LRE regulations in the City's Land Use Code ("LUC") added the defined LRE use as a special exception land use subject to the LRE development standards in specific zones. The amendment did not purport to change any adopted specific plan, including the Gateway Centre specific plan (now the Gateway PAD).
  - The recently adopted Uniform Development Code ("UDC") continues the exclusion of PADs from LRE applicability. The new use table for commercial and mixed use zones, UDC Sec. 4.8.6, which for each zone lists permitted uses, the procedures required for approval of such uses, and the special development standards that apply to those uses, does not include any of the City's approved PAD zones. The UDC's description of the PAD zone, UDC Sec. 3.5.5.A.2, makes it clear that PAD is ". . . a zoning classification which provides for the establishment of zoning districts with distinct standards."
  - Consistent with the structure and effect of the PAD zone, the City determined in response to a 2008 inquiry by a Wal-Mart consultant about a proposed expansion of the Store that an LRE is a permitted use in Development Area 1 of the Gateway PAD (Exhibit 7).
3. *What procedure will be followed for the review and approval of the Store expansion?* For the following reasons, we believe an amended plan for the Store and former bank sites should be reviewed in the same manner as a "site plan" under the UDC Sec. 3.3.3.G with final approval by the PDS Director.
- As described above in the Applicable Zoning portion of this letter, a prerequisite under the 1983 Gateway PAD for issuance of building permits is submittal and approval of a "development site plan." This term is apparently defined in the Gateway PAD as a "site plan," Para. A(1)(j), p. IX-8. The content of this plan is described in the Gateway PAD, pp. IX-53, 54, which is to be ". . . prepared in accordance with the requirements of the City of

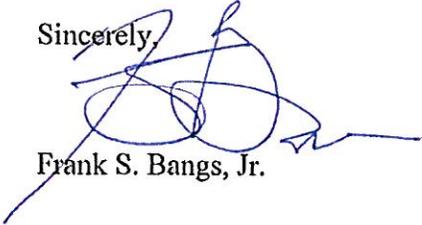
Tucson Land Use Code. . . .” Judging from the 1993 approved plan for the Store site (Exhibit 1), a development site plan was interpreted by staff to be procedurally identical to a “development plan,” LUC Sec. 5.3.8.

- Development plans under the LUC are now subsumed by the UDC in a group of PDSB administrative decisions made by the PDSB Director, UDC Sec. 3.3.3.A.14. The procedure for the review and approval of site plans is described in UDC Sec. 3.3.3.G. Included within the kinds of development to which the site plan process applies is “Existing development undergoing . . . structure additions, and/or a reconfiguration of an area outside a building. . . .”
  - The UDC contemplates the amendment of existing, approved site plans, UDC Sec. 3.3.3.G.7. The PDSB Director may approve “minor changes from the . . . approved site plan” on a “case-by-case basis.” Such changes include “. . . minor changes to building height, land use, parking, and traffic circulation,” UDC Sec. 3.3.3.G.7.b.
  - As described above, the substantive changes to the previously approved development plans in this proposed expansion of the Store are: (i) demolition of the former bank building and extension of the Store parking lot to include that site; (ii) expansion of the Store building as anticipated on the 1993 Store development plan; (iii) construction of an additional loading dock on the south side of the store; and (iv) a new driveway at the southwest corner of the site to improve truck circulation. The most significant of these changes—the expansion of the Store building—should be characterized as minor because a future expansion was shown on the 1993 approved plan, the increase in gross floor area does not greatly exceed that anticipated in 1993 (taking into consideration the demolition of the bank building and increased size of the merged site), and the expansion is intended to meet all Gateway PAD development standards.
  - Even if the Store expansion were characterized as a major change, Mayor and Council approval would not be required because the amended development/site plan was not “. . . imposed by the Mayor and Council as a condition of rezoning . . . ,” UDC Sec. 3.3.3.G.7.c. The approval of a “development site plan” is uniformly required of all development by the Gateway PAD, which was adopted as a specific plan, not as a rezoning.
4. *What is the minimum width of the “setback area” described in the Gateway PAD, P. IX-3, Para. 1(c)(7)?*
- The cited Gateway PAD development standard describes “special landscape requirements.” No guidance is provided about the minimum width of the setback area, nor do any of the Gateway PAD amendments or interpretations appear to have addressed this question.

\* \* \* \* \*

Wal-Mart and its consultants appreciate the opportunity to present this information about the Store expansion. Your determination on the questions above will allow Wal-Mart to move forward on more detailed project planning and site plan submittal. Please call or e-mail if you have any questions.

Sincerely,



Frank S. Bangs, Jr.

Attachments: Exhibits 1-6

Cc: Ms. Donna Mizelle, Architectural Manager, Wal-Mart  
Mr. Daniel Madruga, Manhard  
Mr. Patrick Burke, RHA Architects

