



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

November 16, 2021

Mr. Rory Juneman, Esq.
Lazarus & Silvyn, P.C.
5983 E. Grant Road, Suite 290
Tucson, AZ 85712-2365

RE: Gateway Centre PAD, Development Area 3 – Request for Land Use Clarification for Personal Storage Use

Dear Mr. Juneman:

Planning & Development Services Staff has reviewed your letter (attached) requesting a land use clarification regarding a proposed personal storage use at 770 N. Kolb Road of the Gateway Centre PAD.

The Gateway Centre PAD serves both a planning function and a regulatory function as it implements the City's adopted *Plan Tucson*. 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 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 silence or unclear, the Unified Development Code (UDC) becomes the guiding document.

The proposed storage falls within Development Area 3 which calls out for primary uses to be office, tourist commercial, commercial recreation, residential, and parking.

This letter clarifies that a personal storage use is an allowed use within Development Area 3 based on the following findings:

1. A previous interpretation has been made by PDSD that C-1 is an equivalent zone for Development Area 3. And as such, in Table 4.9-4, Permitted Used – Commercial and Mixed Used Zones, in the City of Tucson's Unified Development Code, the proposed personal storage use falls under the land use class of *Personal Storage* within the *Storage Use Group* and is allowed within a C-1 Zone.
2. The proposed personal storage use will be of low intensity, with little traffic and all activity occurring within the building. The required parking will drop from the current 599 spaces to 25 spaces which will allow flexibility in redeveloping the existing parking areas for new retail, office, multifamily, or other potential future uses. The potential personal storage use and other potential future uses is consistent with the intent of the PAD to provide a mix of non-residential uses in the planning area.

Planning & Development Services Department (PDSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.tucsonaz.gov/pdsd

3. The proposed personal storage use will comply with the Development Area 3 standards for height, setbacks, maximum floor area ratio, maximum building coverage, and parking requirements.
4. One of the Land Use Objectives of the PAD is to: “To set the urban character by employing a variety of architectural designs and by assuring the continuity through coordinated landscaping, signage, street furniture, and lighting.” The proposed personal storage use will be a modern storage facility that mimics office or retail use to blend with adjacent uses.

A copy of this letter must be submitted with any future block plat, required permits, building plan and/or development package application. If you have any questions, please contact John Beall at 837-6966.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Scott Clark".

Scott Clark
PDSO Director

Via Electronic Mail Only: john.beall@tucsonaz.gov

November 5, 2021

Mr. John Beall
Planning & Development Services
City of Tucson
201 N. Stone Ave.
Tucson, AZ 85701

Re: Gateway Centre PAD, Development Area 3 – Personal Storage Use

Dear John:

Thank you for recently taking time to discuss the potential project at 770 N. Kolb Rd. in the City of Tucson (“City”), Assessor’s Parcel No. 133-23-194A (the “Property”). The Property is approximately 5.9 acres and zoned Gateway Centre PAD, Development Area 3 (“PAD” or “Area 3”). The Property’s current use is a 12-plex movie theater (“Building”) that is planned to close in the near future. Our client, Verdad Real Estate, Inc. (“Verdad”), is proposing to convert the Building into a multi-story personal storage facility. The purpose of this letter is to confirm that the PAD permits the Personal Storage Use on the Property, as described below.

A. Background Facts

1. Proposed Use

The Building’s movie theater currently shows second run movies in a one-story, +/- 48,000 square foot structure that is 35-feet tall. The Building has a total capacity of +/- 2,664 patrons and +/- 599 parking spaces appropriate for a movie theater use. The City approved the Building’s development plan in 1991. See **Enclosure 1**, 1991 DP.

Verdad is proposing to convert the Building into a two-story, 91,112 square foot climate-controlled personal storage facility (the “Project”). See **Enclosure 2**, 2021 Site Plan. The Project will look and operate like most modern storage projects, mimicking the look of a retail or office use on the exterior while providing storage units in the interior. All access to the storage units will occur from the Building’s interior through a secure customer access lane where loading and unloading will occur. In addition to the storage units, the Building will have a small administrative office for its property managers.

The Building footprint will remain mostly as it is today, with only minor adjustments to allow for new vehicle access points. The Building height will remain at 35 feet, and the Building’s exterior changes will mostly be aesthetic to include architectural features that make the Building look more like a modern office or retail use to blend with the surrounding areas. The Project will have significantly less traffic demand, and the required parking will drop from the current 599 space to 25 spaces. This significant reduction in required parking will allow Verdad the flexibility to redevelop the existing parking areas for new retail, office, or multi-

family uses (“Potential Future Uses”). The majority of the changes to the Building will occur inside by adding the drive-through lane, a second story, and converting mostly empty space into individual storage units.

2. Gateway Centre PAD

The PAD contemplates Gateway Centre to be a high-intensity activity center with a variety of non-residential uses, primarily office and commercial.¹ The current uses in Gateway Centre are consistent with the PAD, and include medical offices, a specialty hospital, a restaurant, and a large retail store. The PAD provides a limited list of permitted uses for Area 3, including office, commercial recreation and residential (considered an alternative use).² Because the list of permitted uses in Area 3 is limited, the City has consistently interpreted that the C-1 zoning district is an equivalent zone for purposes of Area 3 use determinations. See **Enclosure 3**, 2008 Interpretation. The C-1 zone permits the Personal Storage Use.³

The PAD also provides the following development standards:⁴

- Height: maximum 45 feet.
- Setbacks: 60 percent of the building height but not less than 20 feet.
- Maximum floor area ratio: 4.0.
- Maximum building coverage: 90 percent at ground level, 60 percent above ground level.
- Parking requirements determined by current UDC motor vehicle parking standards, UDC § 7.4.

B. Development Area 3 permits the Personal Storage Use

While the PAD only lists a few permitted uses, the City has consistently interpreted that the C-1 permitted uses are also permitted in Area 3. Therefore, Personal Storage is permitted in Area 3 because it is permitted in C-1. In addition, Personal Storage is consistent with the intent of the PAD, which is to provide a mix of non-residential uses in the planning area. The proposed Personal Storage use will complement Gateway Centre’s existing mix of uses. The Project will be a modern storage facility and Verdad will design the Building to look like an office or retail building. The use is low intensity, with little traffic and all activity occurring within the Building. The Project will reduce traffic in the area and have almost no impact on the surrounding commercial and residential areas.

The Project will comply with all Area 3 development standards, and therefore this request can be approved as a minor change to the PAD. Verdad will likely process a land split to divide the Property into two parcels: a +/- 3-acre parcel for the Building, and +/- 3-acre parcel for the Potential Future Uses. The details of the potential land split will occur in the future, and Verdad will work with the City at that time to confirm that the land split and future uses comply with the relevant PAD and UDC requirements.

¹ PAD §§ A, C(1).

² PAD § II(D)(3).

³ Unified Development Code (“UDC”) Table 4.8-4.

⁴ PAD § II(D)(3).

C. Conclusion

As described above, Verdad's proposed Personal Storage Use is consistent with the intent of the PAD and allowed in Area 3 using the PAD's development standards. If you agree with the above, please confirm by signing below or by providing a statement indicating the use is permitted. As always, feel free to contact me if you have any questions or require additional information. Thank you for your time and assistance with the Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rory Juneman". The signature is stylized with a large "R" and "J".

Rory Juneman, Esq.
Lazarus & Silvyn, PC

AGREED TO BY: _____, Date: _____

Mr. John Beall
City of Tucson

Enclosures

cc: James Montgomery, Verdad
Robin Large, Lazarus & Silvyn, PC

GENERAL NOTES

- THE DEVELOPER, ANY SUCCESSORS AND ASSIGNS, WILL HOLD THE CITY OF TUCSON, ITS OFFICERS, EMPLOYEES AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THIS DEVELOPMENT AS SHOWN HEREON, NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE FLOOD OR RAINFALL.
- DRAINAGE WILL REMAIN IN ITS NATURAL STATE AND WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED OTHER THAN AS SHOWN ON THIS PLAN.
- ALL PUBLIC ROADS AND DRAINAGE IMPROVEMENTS WITHIN AND ADJACENT TO THIS SUBDIVISION WILL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS. CONSTRUCTION PLANS WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW/APPROVAL.
- TOTAL MILES OF NEW PRIVATE STREETS IS 0.08 MILES.
- ANY STRUCTURES OR VEGETATION WITHIN THE SIGHT VISIBILITY TRIANGLES WILL CONFORM TO STREET DEVELOPMENT STANDARD 3-01.0.
- EACH HANDICAP PARKING SPACE WILL HAVE
 - PERMANENTLY POSTED METAL SIGN CONFORMING TO TUCSON CASE SECTION 20-222,
 - THE INTERNATIONAL HANDICAP SYMBOL PAINTED IN THE SPACE AND,
 - A RAMP WITHIN THE ADJACENT SIDEWALK LEADING TO THE SPACE AT A GRADIENT NOT TO EXCEED 1:12.
- ANY RELOCATION, MODIFICATION, ETC. OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE DONE AT NO EXPENSE TO THE PUBLIC.
- EXISTING ZONING IS "GATEWAY CENTER - SPECIFIC PLAN" AND WILL REMAIN.
- PARCEL AREA/PROJECT AREA 6.00 ACRES.
- PROPOSED BUILDING HEIGHT = 35 FEET
ALLOWABLE BUILDING HEIGHT = 45 FEET
- ANY WASTEWATER DISCHARGED INTO THE PUBLIC SANITARY SEWAGE SYSTEM SHALL MEET THE REQUIREMENTS OF PIMA COUNTY ORDINANCE NO. 1982-154, AS AMENDED BY PIMA COUNTY ORDINANCE NO. 1983-5.
- ON-SITE SANITARY SEWERS WILL BE PRIVATE AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS. THE LOCATION AND METHOD OF CONNECTION TO AN EXISTING PUBLIC SANITARY SEWER IS SUBJECT TO REVIEW AND APPROVAL.
- SITE CALCULATIONS

THEATER SEATING
 4 THEATERS AT 300 SEATS = 1200 SEATS
 4 THEATERS AT 225 SEATS = 900 SEATS
 4 THEATERS AT 141 SEATS = 564 SEATS
 TOTAL SEATING 2664 SEATS

TOTAL BUILDING AREA = 48,000 SQUARE FEET
 TOTAL PARKING REQUIRED PRIOR TO ADJUSTMENT = 2664 SEATS ÷ 4 = 666 SPACES
 XERISCAPE PARKING REDUCTIONS = 666 X 10% = 66.6 SPACES
 BICYCLE PARKING REDUCTION = 9 SPACES
 ADJUSTED PARKING REQUIRED 666-66.6-9 = 590 SPACES

TOTAL PARKING PROVIDED ONSITE = 549 SPACES
 SHARED OFFSITE PARKING ACQUIRED = 50 SPACES
 TOTAL PARKING PROVIDED (ONSITE & REQUIRED OFFSITE) = 549+50 = 599 SPACES

HANDICAPPED SPACES REQUIRED & PROVIDED = 549 X 2% = 11 SPACES

TOTAL BICYCLE SPACES REQUIRED = .15 X 599 = 90

10% CLASS 1 = 9 SPACES
 90% CLASS 2 = 82 SPACES

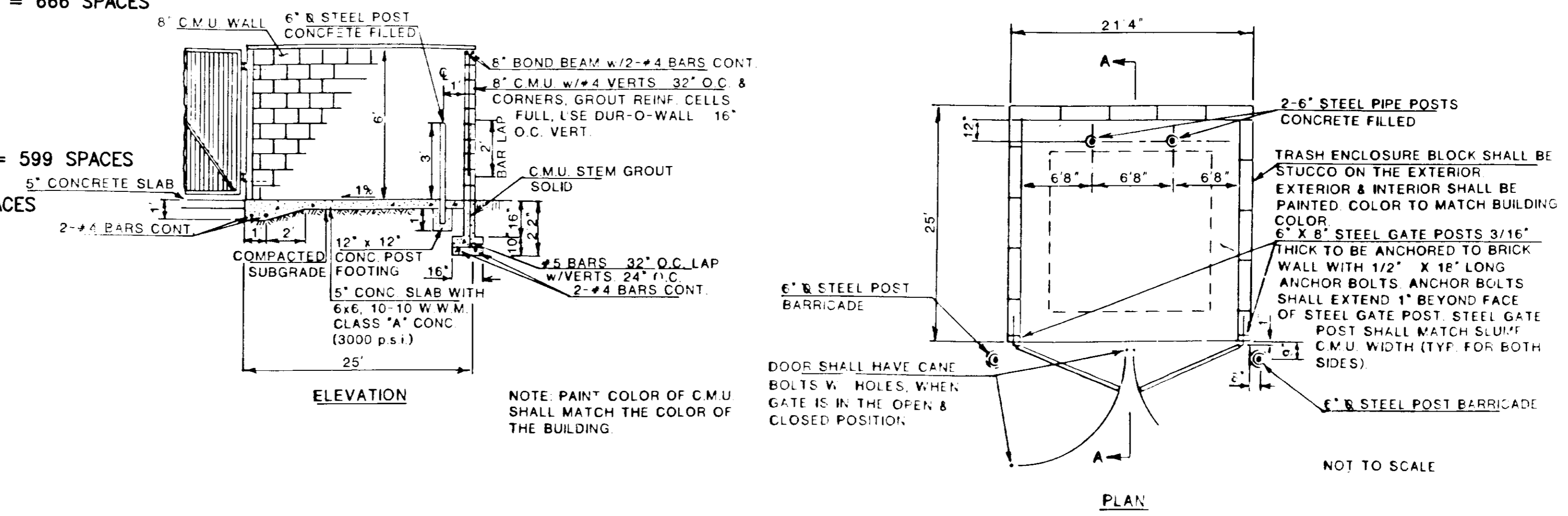
TOTAL BICYCLE SPACES PROVIDED = 91 SPACES
 CLASS 1 - 9 SPACES
 CLASS 2 - 82 SPACES

TOTAL LOADING SPACES REQUIRED = 3 SPACES
 TOTAL LOADING SPACES PROVIDED = 3 SPACES

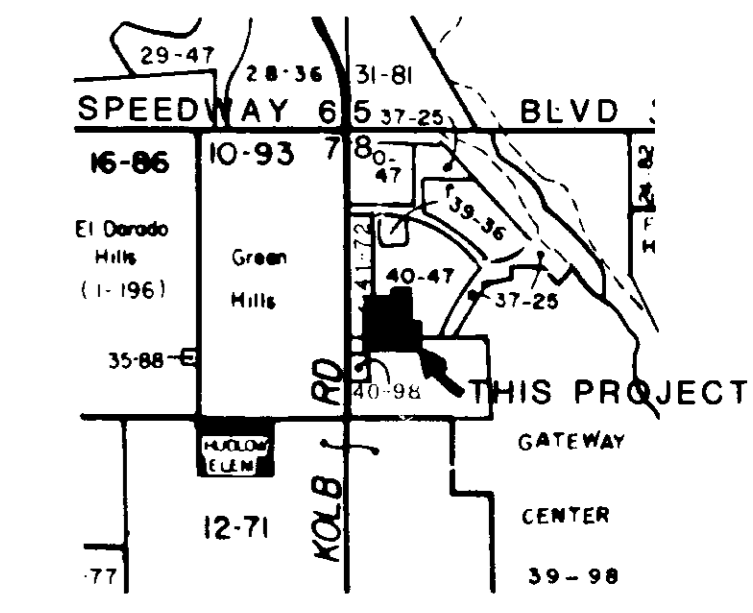
- ALL DEVELOPMENT SHALL BE ACCOMPLISHED PER THE ADOPTED SPECIFIC PLAN FOR GATEWAY CENTRE, ADOPTED BY THE MAYOR AND COUNCIL JANUARY 17, 1983 - RESOLUTION NO. 12133 THIS PROJECT IS IN DEVELOPMENT AREA #3 AND IS SUBJECT TO THE FOLLOWING "GENERAL DEVELOPMENT STANDARDS".
 - MINIMUM BUILDING SETBACK FROM PUBLIC STREETS: A DISTANCE EQUAL TO 60% OF BUILDING HEIGHT, BUT NOT LESS THAN 20 FEET.
 - MAXIMUM FLOOR AREA RATIO: 4.0
 - MAXIMUM BUILDING COVERAGE: 90% AT GROUND LEVEL; 60' ABOVE GROUND LEVEL.
 - MAXIMUM BUILDING HEIGHT: NOT TO EXCEED 45 FEET. EXCEPTION: THE HOTEL NOT TO EXCEED 75 FEET, EXCLUSIVE OF ELEVATOR MECHANISMS.
 - PARKING REQUIREMENTS: REQUIRED SPACES, SCREENING AND LANDSCAPING SHALL BE DETERMINED AT THE RATIOS SET FORTH IN ARTICLE IV, SECTION 23-601 OF THE TUCSON ZONING CODE.
 - MINIMUM LANDSCAPE COVERAGE: 10% OF GROSS SITE AREA.
 - SPECIAL SCREENING OF BUFFERING: A 6' COMMUNITY WALL SHALL BE PROVIDED TO BUFFER ADJACENT PROPERTIES (NOW VACANT) TO THE WEST AND THE TEP SUBSTATION TO THE SOUTH. THESE WALLS SHALL BE SOFTENED WHERE FEASIBLE WITH PLANTING MATERIALS.

- ALL WEATHER ACCESS SHALL BE PROVIDED FOR THIS PROJECT.
- ALL ONSITE DRYWELLS AND DRAINAGE FACILITIES SHOWN ON THIS PROJECT SHALL BE MAINTAINED BY THE OWNER AND ARE TO BE REPAIRED OR REPLACED BY THE OWNER WHEN THEY CEASE TO DRAIN STORED SURFACE WATER IN A 12 HOUR PERIOD. ANNUAL INSPECTION AND MAINTENANCE OF THE DRYWELL SILTING CHAMBER IS REQUIRED.
- ALL SANITARY SEWERS WILL BE DESIGNED TO PROVIDE GRAVITY FLOW.
- THE PROPOSED NUMBER OF WASTEWATER FIXTURE UNITS IS 53.
- THE FLOOR AREA RATIO IS .18.
- BUILDING COVERAGE AT GROUND LEVEL IS 89.9%.
- LANDSCAPING SITE COVERAGE IS 10.1%.
- THERE EXISTS AN UNDEFINED TELEPHONE EASEMENT OVER THE WEST 1/2 OF THE NW 1/4 OF SECTION 8, T14S, R15E, AS RECORDED IN BOOK 56 OF MISC. RECORDS AT PAGE 88.
- ADDITIONAL FIRE HYDRANTS SHALL BE PROVIDED BY THE DEVELOPER AS REQUIRED BY THE FIRE CODE IN ACCORDANCE WITH C.O.T. STANDARDS.
- "NO PARKING-FIRE LANE" SIGNS SHALL BE PROVIDED AS NEEDED TO PROVIDE 20' CLEAR UNOBSTRUCTED WIDTH ALONG ALL FIRE APPARATUS ACCESS ROADWAYS IN ACCORDANCE WITH THE FIRE CODE.

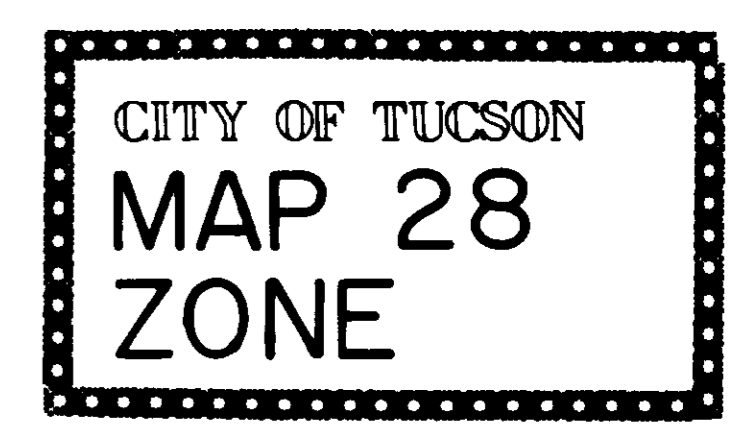
Handwritten signature 6/24/91



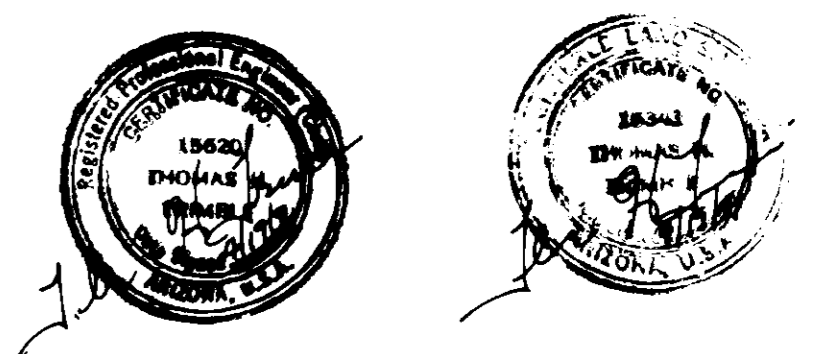
TRASH ENCLOSURE DETAIL



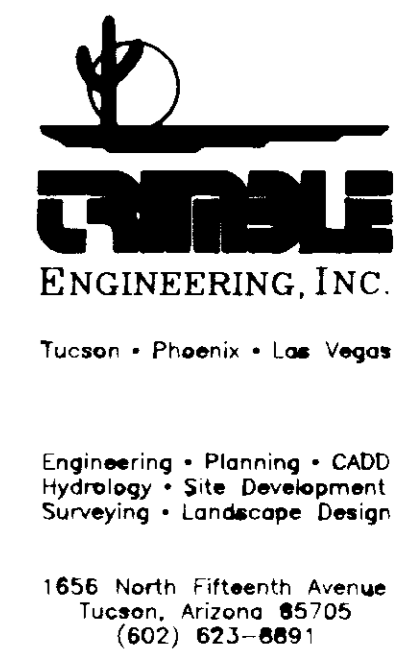
LOCATION PLAN:
 SECT. 8, T-14-S, R-15-E
 G.S.R.B.M., PIMA CO.,
 ARIZONA
 3" = APPROX. 1 MILE



5/91	REVISED PER CDRC COMMENTS
4/19/91	CDRC REVIEW COMMENTS
Date	Revision



Designed By:	THT
Drawn By:	ROB
Checked By:	THT
Revised By:	
Scale:	
Drawing Number:	91-07
Project Number:	1046-91
Date:	4/91



C 12-87-18C

DEVELOPMENT PLAN

"PROPOSED GATEWAY CENTER 12-PLEX MOVIE THEATRE"

LOCATED IN A PORTION OF LOTS 3 & 4 OF BLOCK II - GATEWAY CENTER SUBDIVISION BOOK 41, M & P, PAGE 72, IN THE NW 1/4 OF SECTION 8, T-14-S, R-15-E, G.S.R.B. & M., PIMA COUNTY, ARIZONA

7100-E

BENCHMARK:

"X" ON NORTH EAST CORNER OF WHEELCHAIR RAMP AT NORTH WEST CORNER OF KOLB ROAD & ROSEWOOD ELEVATION = 2544.04' C.O.T DATUM C.O.T. F.B. NO. 1530, PAGE 16

LEGAL DESCRIPTION:

LOTS 3 & 4 OF BLOCK II OF GATEWAY CENTER, A SUBDIVISION OF PIMA COUNTY, ARIZONA AS RECORDED IN BOOK 41, OF MAPS & PLATS, PAGE 72, EXCEPT FOR THE WEST 165.21 FT. OF SAID LOTS 3 & 4

OWNER/DEVELOPER:

TUCSON 4 DRIVE IN THEATRE 150 GOLDEN GATE AVE. SAN FRANCISCO CALIF., 94102

7200-E

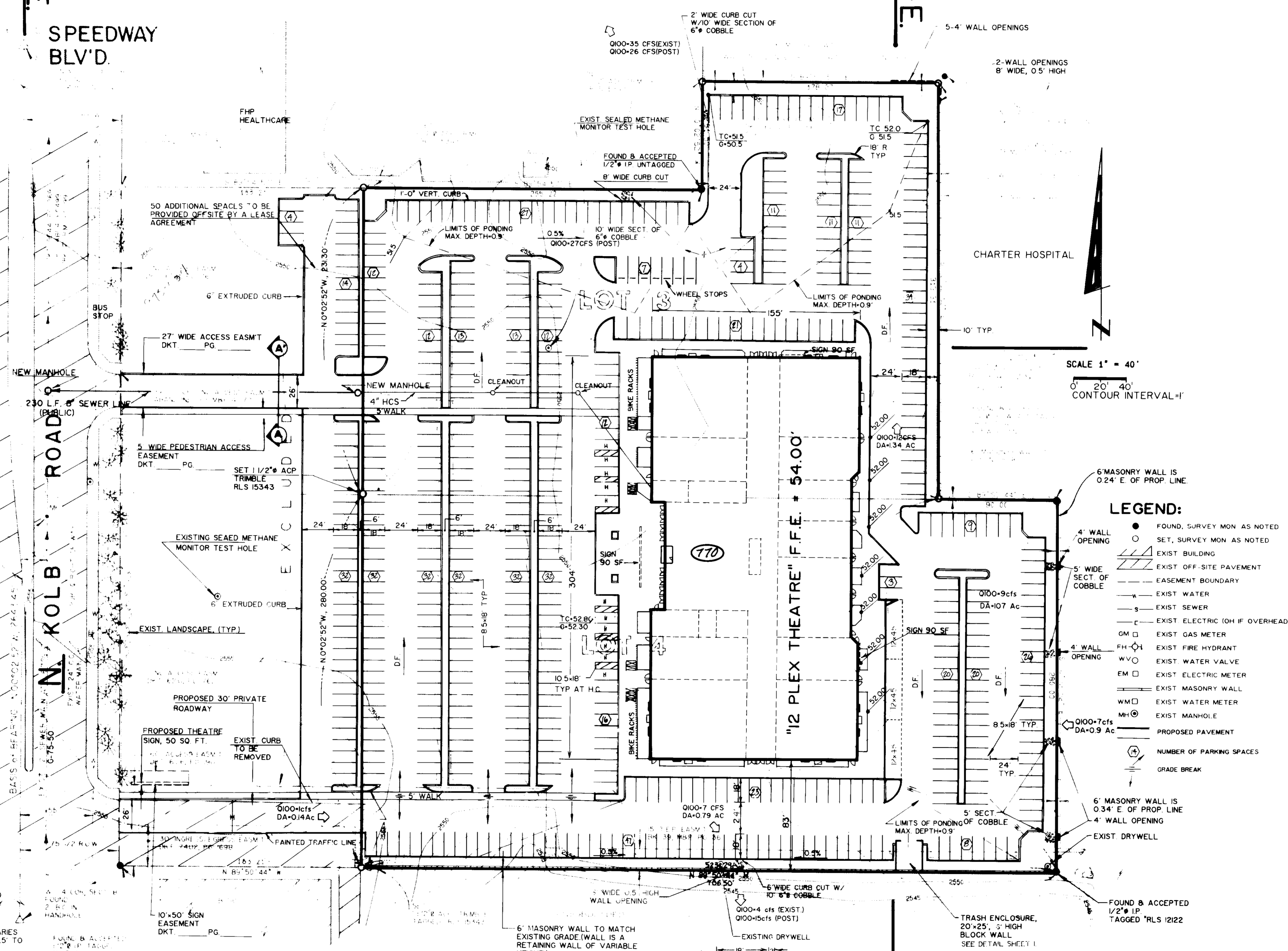
SPEEDWAY BLV'D.

800-N.

N. KOLB ROAD

N. KOLB ROAD

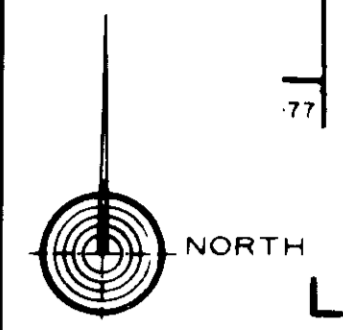
700-N.



SCALE 1" = 40'
CONTOUR INTERVAL = 1'

LEGEND:

- FOUND, SURVEY MON AS NOTED
- SET, SURVEY MON AS NOTED
- ▨ EXIST BUILDING
- ▨ EXIST OFF-SITE PAVEMENT
- EASEMENT BOUNDARY
- EXIST WATER
- EXIST SEWER
- EXIST ELECTRIC (OH IF OVERHEAD)
- GM □ EXIST GAS METER
- FH □ EXIST FIRE HYDRANT
- WVO □ EXIST WATER VALVE
- EM □ EXIST ELECTRIC METER
- EXIST MASONRY WALL
- WM □ EXIST WATER METER
- MH ○ EXIST MANHOLE
- ▨ PROPOSED PAVEMENT
- ① NUMBER OF PARKING SPACES
- ▬ GRADE BREAK



LOCATION PLAN:
SECT. 8, T-14-S, R-15-E
G&SRB&M, PIMA CO.,
ARIZONA
3" = APPROX. 1 MILE

5/31	REVISED PER CDRC COMMENTS
4/91	REVISED PER CDRC COMMENTS
2/91	MOVED WEST 1/2" = 6.00 ACRES
Date	Revision



Designed By	THT
Drawn By	TEI
Checked By	THT
Revised By	JDM
Scale	1" = 40'
Drawing Number	91-07
Project Number	1046-91

TRIMBLE ENGINEERING, INC.
Tucson - Phoenix - Las Vegas

Engineering - Planning - CADD
Hydrology - Site Development
Surveying - Landscape Design

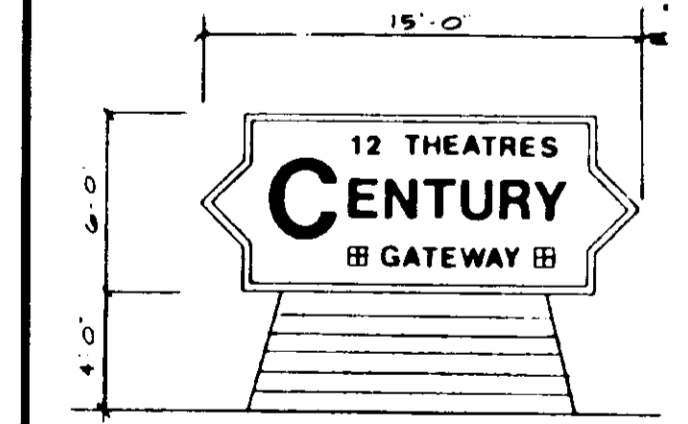
1656 North Fifteenth Avenue
Tucson, Arizona 85705
1602-621-8891

C 12-87-18C

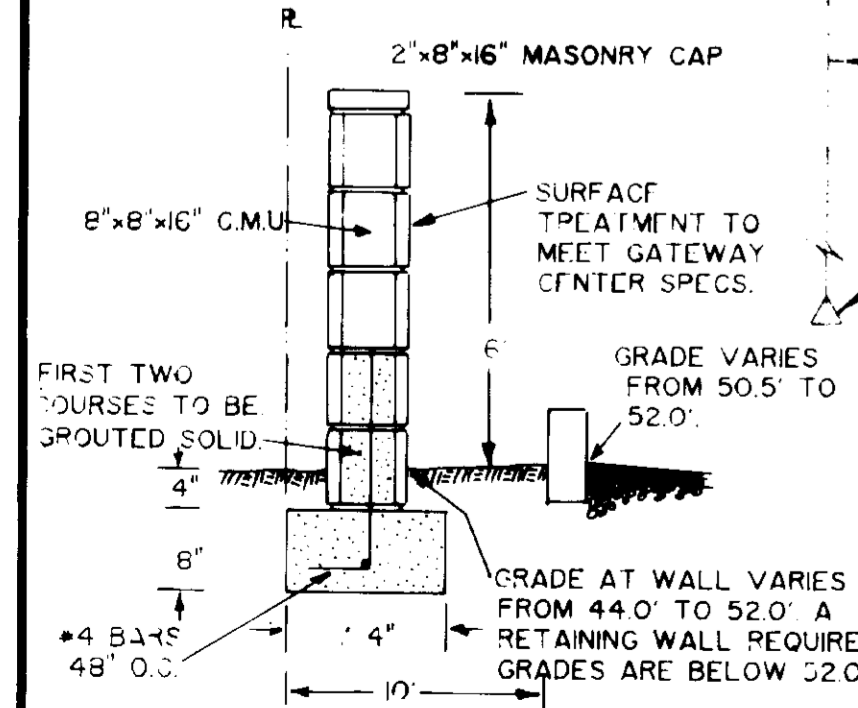
DEVELOPMENT PLAN

"PROPOSED GATEWAY CENTER 12-PLEX MOVIE THEATRE"

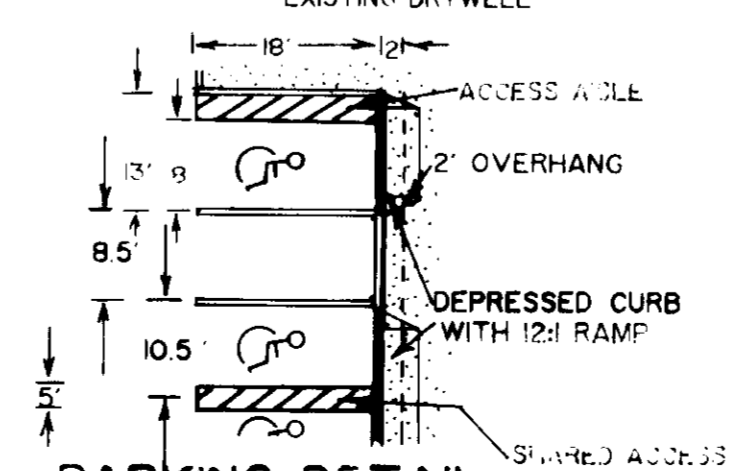
LOCATED IN A PORTION OF LOTS 3 & 4 OF BLOCK II - GATEWAY CENTER SUBDIVISION BOOK 41, M & P, PAGE 72, IN THE NW 1/4 OF SECTION 8, T-14-S, R-15-E, G&SRB & M, PIMA COUNTY, ARIZONA.



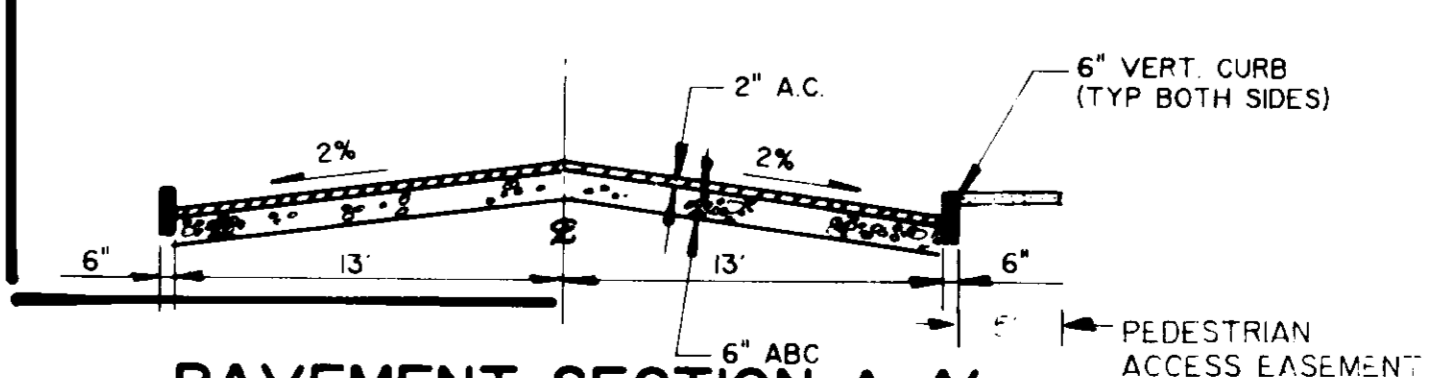
THEATER SIGNAGE



COMMUNITY WALL DETAIL
NO SCALE



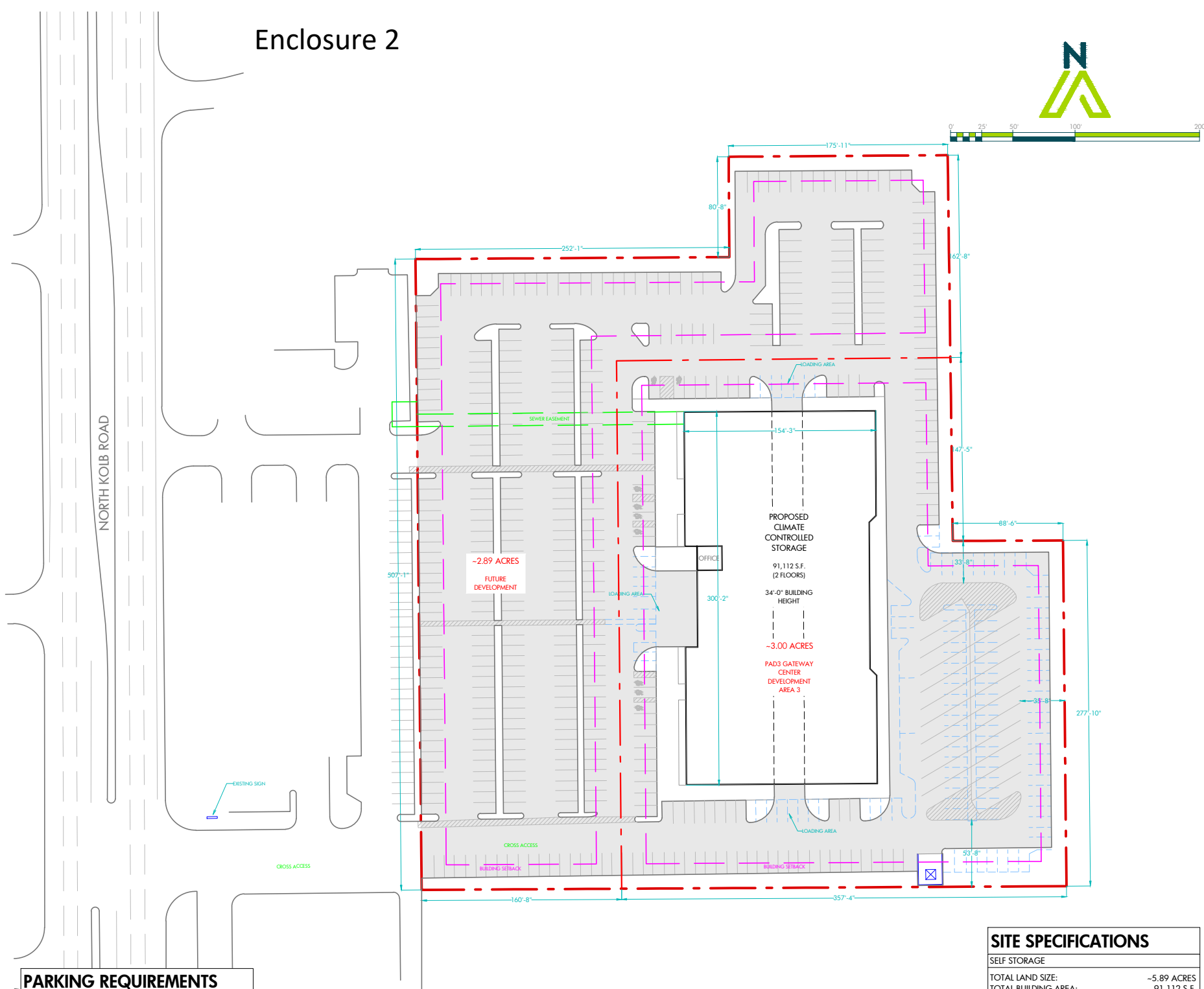
PARKING DETAIL
NO SCALE



PAVEMENT SECTION A-A'
NO SCALE

Trumble 6/24/91

Enclosure 2



PARKING REQUIREMENTS	
STORAGE:	1 SPACE / 4,000 S.F. + 2 SPACES / OFFICE

SITE SPECIFICATIONS	
SELF STORAGE	
TOTAL LAND SIZE:	-5.89 ACRES
TOTAL BUILDING AREA:	91,112 S.F.
TOTAL PARKING REQUIRED:	25 SPACES
TOTAL PARKING PROVIDED:	457 SPACES

88.61% IMPERVIOUS LOT COVERAGE (227,290 S.F.)
 PARCEL LINE LOCATIONS SUBJECT TO CHANGE



04
 REVISION NUMBER

PROPOSED SELF STORAGE
 NOTE: ALL DIMENSIONS AND LAND/BUILDING AREA CALCULATIONS ARE APPROXIMATE.
 NORTH KOLB ROAD & EAST EDMONT STREET | TUCSON | AZ

1211 S. WHITE CHAPEL BOULEVARD
 SOUTHLAKE, TEXAS 76092
 817.807.8114 | 817.912.0550 | F
 VERDAD.COM | W

11/10/21
 DATE CREATED
 1" = 100'
 DRAWING SCALE



THIS SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. IT IS SUBJECT TO GOVERNMENTAL CODES, TENANT MIX, AND CIVIL ENGINEERING REQUIREMENTS AS WILL BE DICTATED BY THE GOVERNING CITY OR MUNICIPALITY.

Enclosure 3

April 24, 2008



CITY OF
TUCSON

DEPARTMENT OF
URBAN PLANNING
& DESIGN

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