



# Zoning Examiner

## ZONING EXAMINER DECISION

September 7, 2023

Lexy Wellott  
The Planning Center  
2 E. Congress, Suite 600  
Tucson, AZ 85701

**SUBJECT: TP-ENT-0623-00029 Paw Commons – Speedway Boulevard, C-2 (Ward 6)**

**Public Hearing: August 31, 2023**

Dear Ms. Wellott:

### **SPECIAL EXCEPTION LAND USE REQUEST**

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedure (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's findings and decision for the special exception case TP-ENT-0623-00029 Paw Commons – Speedway Boulevard, C-2 (Ward 6).

### **August 31, 2023, Zoning Examiner Hearing**

On August 31, 2023, a public hearing was held on this special exception land use request, pursuant to UDC Section 3.4.3, Zoning Examiner's Special Exception Procedure.

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The Applicant's representative spoke in support of the proposed special exception request. One other person spoke and expressed concerns about parking and traffic in the area, particularly on Rook Avenue. The applicant's representative clarified that the proposed special exception use would be served by on-site parking and would not contribute to any lack of parking in the area.

As of the date of the Zoning Examiner hearing, there were no (0) written approvals and two (2) written protests.

## **FINDINGS**

This is a request by Lexy Wellott of the Planning Center, LLC, on behalf of the property owner 6211 E Speedway, Speedway Wilmot Center LLC, for approval of a Special Exception Land Use to allow animal services and boarding use with the addition of a 7,289 square foot outdoor play area to accompany an existing 7,000 square foot building located at 6211 E Speedway Boulevard. The project site is a 0.82-acre property in the C-2 (Commercial) zone located along the north side of Speedway Boulevard approximately 500-feet west of the N Wilmot Road and Speedway Boulevard intersection (see Case Location Map).

An animal services and boarding use may be allowed in the C-2 zone as a Special Exception Land Use subject to approval through a (Section 3.4.3) and is subject to Sections of the *Unified Development Code (UDC)*. The Zoning Examiner renders a decision to grant the use with or without conditions, or to deny the use.

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

**Public Outreach** – The applicant and the project team held an on-line meeting on Monday, May 22, 2022, via Zoom. No participants noted in the meeting summary.

## **Background Information**

Existing Land Use: Existing vacant building with parking in the C-2 Zone.

Current Zoning:

C-2: This zone provides for general commercial uses that serve the community and region.



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Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zoning and Land Use:

North – R-1 (*Residential Zone*); City ROW (alley), single-family residential properties

East – C-2 (*Commercial Zone*); Restaurant

South – C-2 (*Commercial Zone*); mixed commercial uses

West – C-2(*Commercial Zone*); mixed commercial uses

**Planning Considerations** – Land use policy direction for this area is provided by *Plan Tucson*, and the *Arcadia-Alamo Area Plan*.

*Plan Tucson (PT)*

*Plan Tucson* contains a variety of elements that are categorized in four focus areas, including the Social Environment, the Economic Environment, the Natural Environment, and the Built Environment. Each focus area contains specific goals, and each element contains specific policies. The site lies within the Mixed-Use Corridors on the Future Growth Scenario Map where the goal is to combine a variety of housing options retail, services, office, and public gathering places located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Applicable policies guidelines include:

**BC8:** Support a safe, distinctive, well-maintained, and attractive community with neighborhoods made up of residences and businesses that contribute to Tucson’s quality of life and economic success.

**LT1:** Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character.

**LT3:** Support development opportunities where:

1. Residential, commercial, employment, and recreational uses are located or could be located and integrated.
2. There is close proximity to transit.

**LT6: LT28.5.1**

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## LT28.6.3 LT28.6.11

Promote the development of dog friendly facilities within the urban environment.

Support development in or adjacent to existing regional and community- level activity center that will (a) integrate residential and non-residential land use, and the mix of private and public land uses, including entertainment, recreation, retail, restaurants, offices, libraries, hotels, public meeting facilities, childcare, transit facilities, and other services into a mixed-use activity center.

Support community and office uses located at the intersection of arterial streets, taking into consideration traffic safety and congestion issues.

Support environmentally sensitive design that protects the integrity of existing neighborhoods complements adjacent land uses and enhances the overall function and visual quality of the street, adjacent properties, and community.

### Arcadia-Alamo Area Plan (AAAP)

The *Arcadia-Alamo Area Plan's* purpose is to guide future development while protecting and enhancing existing uses. The general goals of the *AAAP* are to:

- (1) preserve and protect the integrity of established low-density neighborhoods.
- (2) Identify appropriate locations for new development;
- (3) Protect and enhance vegetation and open space along the Alamo, Arcadia, and

Rosehill Washes; and

- (4) Provide safe and efficient circulation systems for all modes of transportation including pedestrian. The project site is within Subarea 1 of the *AAAP* as shown on the Subarea 1 Map.

Subarea 1 is defined by I.A. Policy 3: Subarea 1, geographically defined by Pima, Wilmot, Speedway, and the Alamo Wash, should be allowed to transition to medium density residential uses within the interior and high-density/office/commercial uses along the arterial streets. Other relevant policies include I.B. Policy 7: Allow commercial/office uses on the north side of Speedway Boulevard between Wilmot Road and Swan Road as shown on the Conceptual Land Use Map.

General Design Guideline 2: Plant a balanced mix of drought-tolerant canopy trees, understory shrubs and groundcover of similar form and scale to existing vegetation in the area especially along major street frontages. Placement of trees should provide shade to pedestrians whenever possible.

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**Surrounding Zoning and Land uses:** Surrounding zoning is C-2 to the east, C-2 to the west with Rook Avenue and adjacent commercial uses, C-2 to the south with Speedway Boulevard and commercial uses, R-1 to the north with an alley and residential use.

The site lies within the “Mixed-Use Corridors” building block per the Future Growth Scenario Map in *Plan Tucson*. The Mixed-Use Corridors building block include areas that are primarily provide a higher intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities. *Plan Tucson* supports community and neighborhood commercial uses located at the intersections of arterial streets, arterial and collector streets, or collector street intersections and in proximity to transit (LT1, LT3, LT28.6.3).

## Project Background

The special exception site is located on Speedway Boulevard, an arterial roadway, just west of the Speedway Boulevard and Wilmot Road intersection. The site is currently zoned C-2, which allows for the proposed use of a dog care service that provides for doggy daycare, boarding, training, and grooming with the approval of a Zoning Examiner Special Exception application. The applicant is proposing to open the facility in an existing 7,000 square foot building with the addition of a 7,289 square foot outdoor play area located north of the existing building.

## Design Considerations

Land Use Compatibility – The proposed doggy daycare facility is an “Animal Services and Boarding” land use as defined by UDC Sections 4.9.4.D.9 – 4.9.4.15, .3.4, and is a permissible use in the C-2 Zone subject to review and approval of a Special Exception Land Use application by the Zoning Examiner. The property will largely remain as it exists today with modifications to vehicular use areas, interior tenant improvements, and cosmetic changes to the exterior of the building. The majority of the tenant improvements include reconfiguration of the rear parking lot area, mainly to include the addition of a 7,289 square foot outdoor animal run area. This area will be created using an eight-foot vinyl fence that extends north from the building's northern wall. The enclosed recreation area will contain shade sails to protect a new synthetic turf surface and pet splash pad. The reconfigured rear parking area providing nine spaces will continue to provide a buffer between the animal outdoor area and access alley and the residential property to the north.

The Project includes a variety of site improvements which improves aesthetics and buffering measures to mitigate sound, visibility, and lighting. The Project includes a ten-foot landscape border along the western and southern property lines. Newly landscaped areas for the site will use design techniques to capture rainwater for supplemental irrigation of the new landscaping



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that will be installed for the project. The rear parking area between the northern masonry wall and the outdoor animal run will provide appropriate canopy trees to shade parking spaces. This landscape border will be planted with native, drought-tolerant trees, shrubs, and groundcover vegetation to create an attractive streetscape that shades the sidewalk. Pedestrian improvements include sidewalks in the ROW along Speedway Boulevard and Rook Avenue. Site improvements also include new exterior lighting for building, parking, and recreation areas compliant with the Outdoor Lighting Code. Lighting will be compliant, shielded, and directed down and away from adjacent properties to limit light trespass. Lighting locations and types will be determined during the development phase.

## Drainage/Grading/Landscape

Post-development drainage conditions will resemble existing drainage conditions. The total runoff exiting the Property is expected to be less than or equal to existing conditions. This Property is not expected to receive water discharge from offsite. There will be additional landscape improvements to the area west and north of the outdoor animal run area. Newly landscaped areas for the site will use design techniques to capture rainwater for supplemental irrigation of the new landscaping that will be installed for the project.

## Traffic/Circulation

With the addition of the outdoor run area, the vehicle circulation is now bisected which results in a newly separated northern parking area. Site access is also reduced by eliminating one of the two curbs' cuts along Speedway, resulting in a single entrance/curb cut along Speedway. The newly separated northern parking will be accessible via Rook Ave. The Project includes an overall parking reduction from 52 to 19 spaces. The site's Animal Care Services use requires a minimum of 18 parking spaces. The Project will provide 19 spaces, which includes the 9 parking spaces adjacent to the outdoor run area on its north side, accessible Rook Avenue. Pedestrians will access the site using sidewalks in the ROW along Speedway Boulevard and Rook Avenue.

The use of the unnamed alley north of the site serves the adjacent parcel and for egress purposes only. The Project will also retain the existing PAAL within the southern parking area. Additionally, the Project will also provide a PAAL north of the building to accommodate the new outdoor play area.

Trips for this site are estimated to be lower than the previous commercial/retail uses provided, that customer services are located to the southern portion of the site and drop-off and pick-up times are generally staggered throughout the day. Trips are also estimated to also be lower due to the reduction of parking spaces from 52 to 19. The existing bicycle parking area will remain along Speedway. Solid waste and recycling area on the Property will be in the northern parking area and accessible via Rook Avenue.



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## Signage

The property has two non-conforming pole signs along Rook Avenue and Speedway Boulevard. The non-conforming sign along Rook Avenue will be removed as it is located within the proposed animal run area. The other pole sign along Speedway is subject to non-conforming sign requirements.

## **Use-Specific Standards**

The following *Unified Development Code (UDC)* Use-Specific Standards 4.9.4.D.9 – 4.9.4.D.15, Animal Services and Boarding Use:

*UDC 4.9.4.D.9 – The minimum perimeter yard for buildings, shelter, animal runs and fenced areas from a property line adjacent to a residential zone is 30 feet.*

The Property is adjacent to C-2 zoning to the west, east, and south. To the north is R-1 zoning. The zoning boundary between C-2 and R-1 to the north is the subject property. However, the residential uses do not begin until the southern edge of the alley. The proposed “animal run area” is setback 54 feet from northern property line. The combined total distance separation is at least 70 feet combining the interior setback and alley distance. Additionally, the principle building is 120 feet away from the northern property line. PDSD Staff concludes that the site meets the intent of this use-specific standard, which is to create adequate space between Animal Care Service uses and neighboring residential uses.

*UDC 4.9.4.D.10 – Buildings shall be constructed so that direct unaccompanied access by animals to outside areas is not allowed.*

Dogs will not have direct unaccompanied access (doggy door) to the outside play area and will be constantly supervised while utilizing the area.

*UDC 4.9.4.D.11 – A solid masonry wall or fence six feet in height shall be constructed along the perimeter of all outdoor animal runs.* The proposed dog play area will be completely enclosed with an 8-foot opaque fence or wall.

*UDC 4.9.4.D.12 – Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.*

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The outdoor play area will be utilized randomly throughout the day and only during operating hours. The play area is regularly scheduled to be cleaned and will meet the requirement that every 5 hours at a minimum solid waste shall be removed from outdoor exercise areas.

*UDC 4.9.4.D.13 – Animals must be accompanied by a facility employee or a pet owner at all times when outside the building. All walks and exercise periods must take place on facility grounds. Paw Commons dogs will be accompanied at all times by staff in the outdoor play area and no walks will be permitted outside of the facility grounds.*

*UDC 4.9.4.D.14 – Outdoor operations are limited to 6:00 a.m. to 8:00 p.m. Paw Commons hours of operation are generally 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on the weekends. Dogs rotate through the outdoor play area for about one hour at a time between 9:00 a.m. and 5:00 p.m., which is well within the above requirement.*

*UDC 4.9.4.D.15 – The average noise level, measured at the property line, shall not exceed 55 dB (one LDN) when measured on a “A-Weighted” sound level meter and according to the procedures of the Environmental Protection Agency. The outdoor animal run is located on the north side of the building with additional separation with the alley. This area is over 70 feet from the nearest residential property line.*

**Conclusion** – The proposed special exception is consistent with *Plan Tucson* and the *Arcadia-Alamo Area Plan* and in compliance with performance criteria of UDC 4.9.4.D.9 – 4.9.4.D- 15. Subject to compliance with the attached preliminary conditions, approval of the special exception land use in the C-2 zone is appropriate.

## **APPEAL**

The Zoning Examiner’s decision may be appealed to the Mayor and Council pursuant to UDC Section 3.4.3.1. 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 application materials must be filed with the City Clerk within 30 days of the effective date of this decision letter.





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A copy of this decision letter can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

## **DECISION**

The Zoning Examiner's decision is approval of the special exception request subject to the conditions proposed by PDSO, attached to this decision letter.

Sincerely,

John Iurino  
Zoning Examiner

## **ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
PDSO Conditions

cc: City of Tucson Mayor and Council

### PROCEDURAL

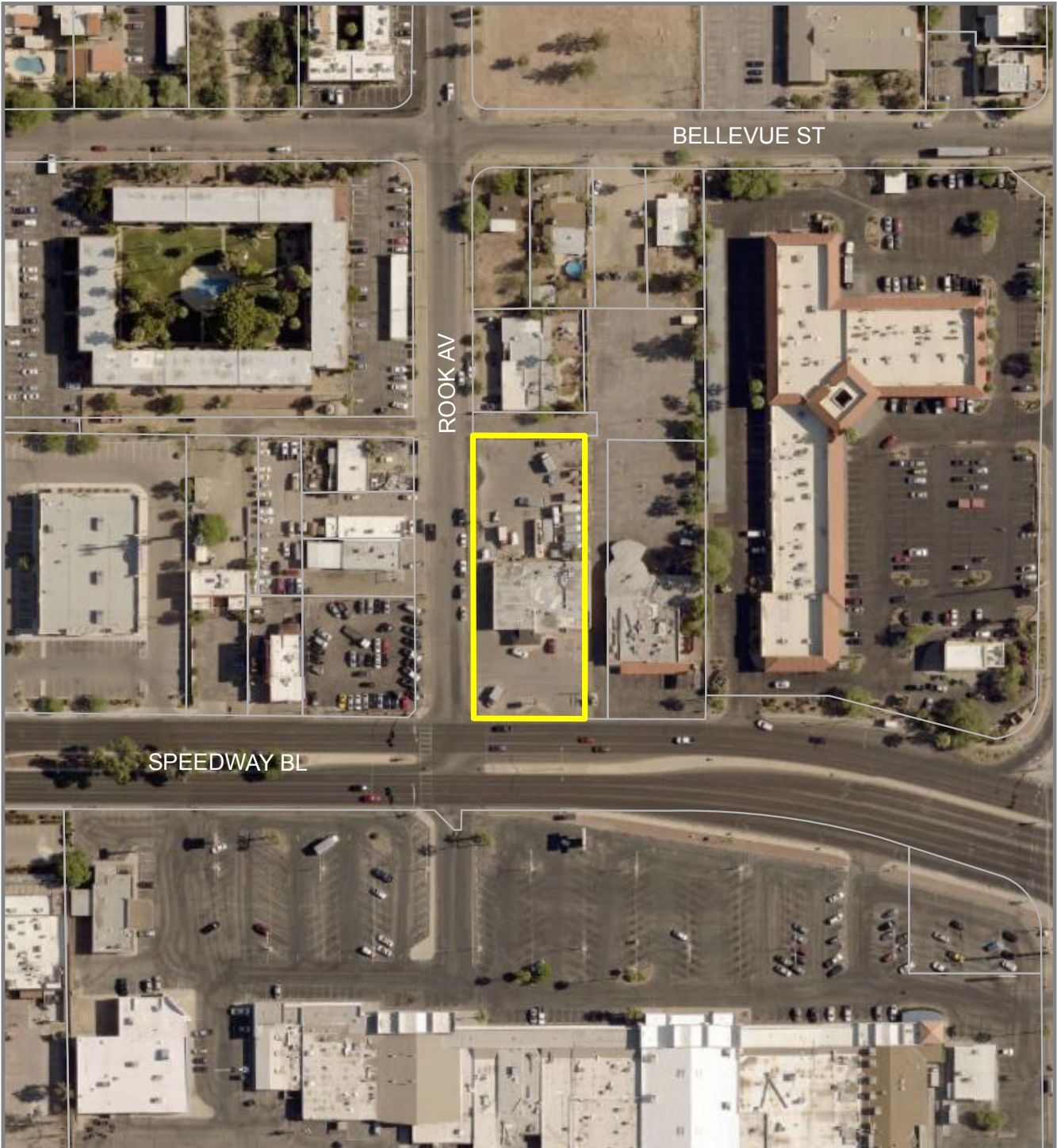
1. A development package in substantial compliance with the preliminary development plan dated June 22, 2023, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. 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 Zoning Amendment".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. 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 rezoning/special exception.

### LAND USE COMPATIBILITY

6. General play and businesses hours will occur between the hours of 7:00am and 7:00pm. Drop-off and pick up is allowed between 5:00 a.m. and 10:00 p.m.
7. Incorporate low impact development practices to manage the drainage caused by the local floodplain.
8. No illuminated signage mounted on the north elevation of the building, due to adjacent residential properties and within the vicinity.

### ZONING EXAMINER CONDITIONS

TP-ENT-0623-00029 - 6211 E Speedway Bl



Area of Special Exception Request

Address: 6211 E SPEEDWAY BL  
Base Maps: Twp. 1403 Range 1402 Sec. 01  
Ward(s): 6

2020 Aerial

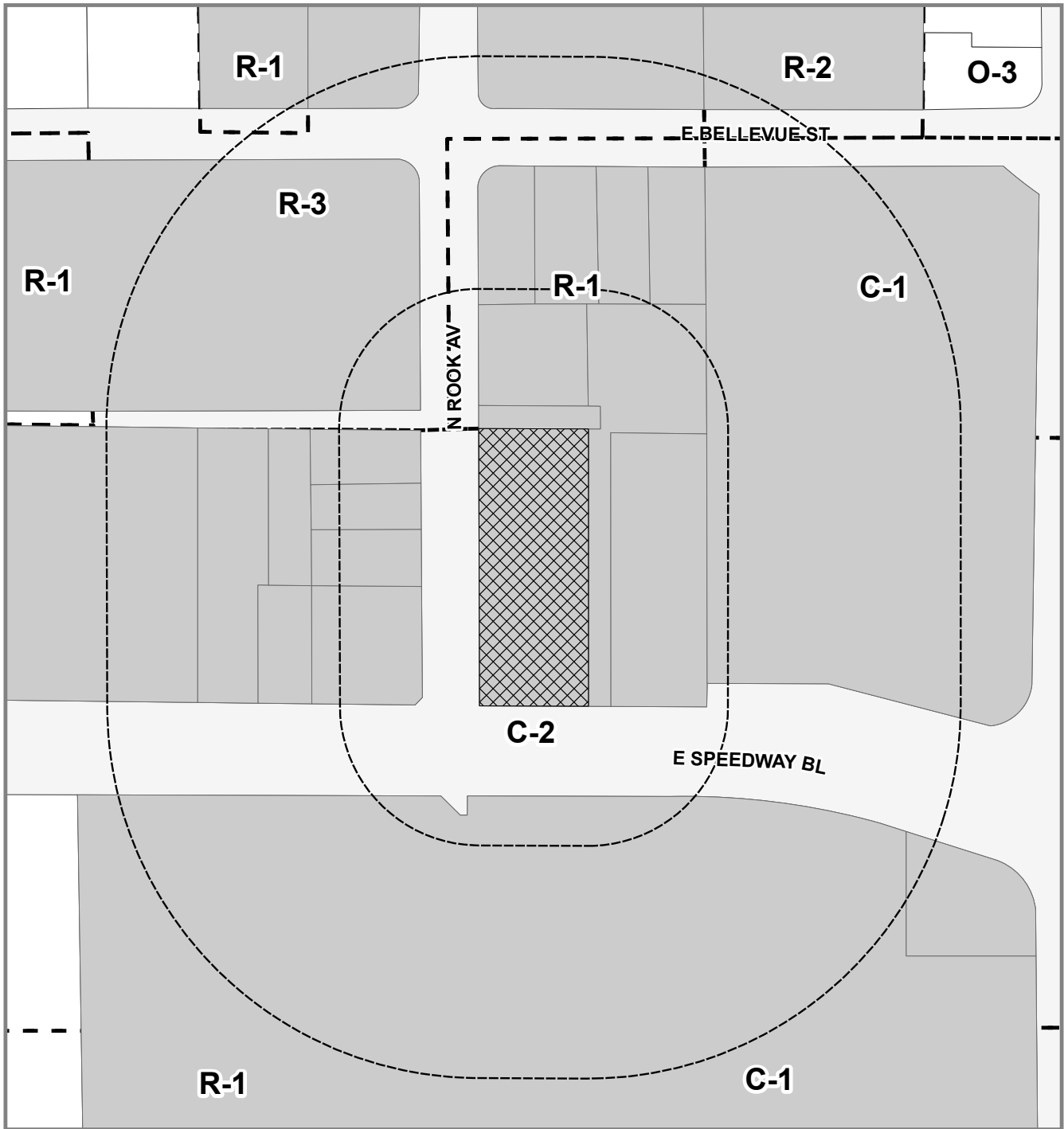
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



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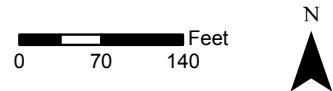


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-  Area of Special Exception Request
-  Properties Notified
-  Zone Boundaries
-  400' Notification Area
-  Protest Area (150 ft. Radius)

Address: 6211 E SPEEDWAY BL  
Base Maps: Twp. 1403 Range 1402 Sec. 01  
Ward(s): 6



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