



PIMA COUNTY

DEVELOPMENT SERVICES

DATE: August 7, 2014

TO: BOARD OF ADJUSTMENT District #3

FROM: Elva Pedregó, Assistant Executive Secretary

SUBJECT: **Co10(3)14-02 UNITED COMMUNITY HEALTH CENTER – WEST AJO HIGHWAY**
 Scheduled for public hearing on August 18, 2014

LOCATION:

The subject parcel is located approximately a quarter mile east of Sasabe Highway (State Highway 286) on West Ajo Highway.

SURROUNDING ZONING / LAND USES:

| | | |
|-------|------|-----------|
| North | GR-1 | Developed |
| West | GR-1 | Developed |
| South | GR-1 | Developed |
| East | GR-1 | Vacant |

PUBLIC COMMENT:

1 Letter of opposition to Modification of Setback Requirements MSR Co28(3)14-16

PREVIOUS CASES ON PROPERTY:

MSR Co28(3)14-16 Same request

REQUEST:

The applicant requests a variance to **reduce the rear yard setback to 12 feet and the side yard setback to 20 feet for a proposed modular building.** Section 18.14.020A22b of the Pima County Zoning Code requires a 50 foot setback from any property line for a health clinic.

TRANSPORTATION AND FLOOD CONTROL REPORT:

No comment

BACKGROUND:

The subject property is the location of the United Community Health Center's Three Points Clinic and is located in southwest Pima County. The site has immediate access from Ajo Highway and is bordered by vacant property to the east and the west.

The site has been operating as a clinic since 2004 when the development plan (P1204-067) and building permit (P04CP07532) for the use were approved. The owners now want to add a modular unit for Pasadera, a non-profit organization that provides behavioral health treatment. The new modular building will provide space for their small staff and its proposed location is directly behind the clinic for easier communication and coordination with the United Community



PIMA COUNTY

DEVELOPMENT SERVICES

Health Center medical staff. Due to the setback requirements for a clinic in the GR-1 zone, relief from the 50' setback was needed in order to place the modular unit in the proposed location.

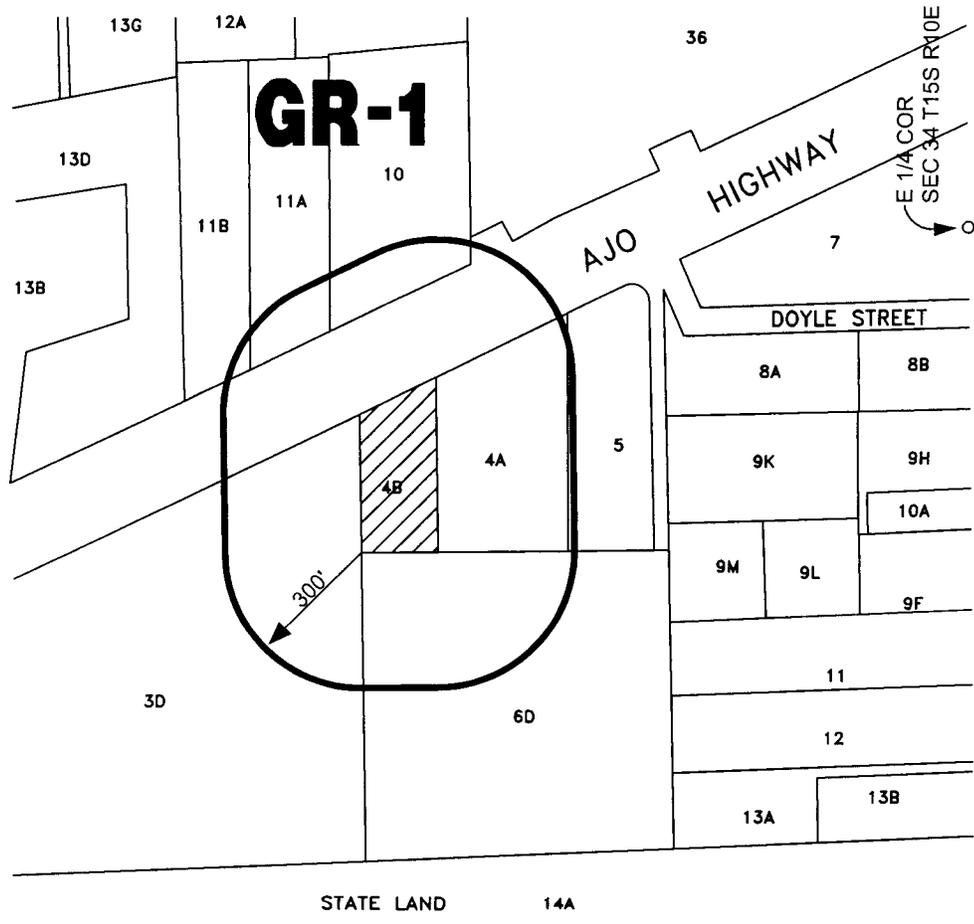
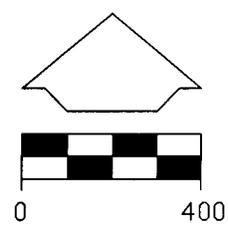
The project architect (applicant/agent) applied for a Modification of Setback Requirement (Co28(3)14-16 on July 10, 2014. Notice to the affected property owners was sent out July 15, 2014 allowing anyone with a protest to send in written communication by July 29, 2014. A letter of protest was received on July 23rd by the property owner located to the south of the site. The request was appealed to the Board of Adjustment.

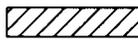
RECOMMENDATION:

Staff recommends **APPROVAL** of the variance request. The protestor states that she does not want the new structure that close to her property line, that she can already hear noise and the proximity will only increase this. As stated by the applicant, they will provide a new 5' high masonry wall along the rear property line and a 50' section along the east property line to help mitigate the protestor's concerns. Staff believes that with the residence being located more than 200 feet away and the addition of the masonry wall, the noise will be minimized.

Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.



Petition area 
 Notification area 

BASE MAP 259

Notes REF: C028(3)14-16

Tax codes 208-65-004B

Date 07/29/14
 Drafter DS

File no. C010(3)14-02
UNITED COMMUNITY HEALTH CENTER
WEST AJO HIGHWAY

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

Co10(3)14-02





CLINIC BUILDING

PROPOSED LOCATION OF MODULAR UNIT



PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: UNITED COMMUNITY HEALTH CARE Phone: 520.407.3000 (EXT 5209)

Owner's Mailing Address: 1900 S. CAMPBELL ROAD City: GREEN VALLE Zip: 85614

Authorized Representative: STEVEN C. SELL, ARCHITECT Phone: 520.889.0444

Rep's Mailing Address: 1674 E AVENIDA HACENDA City: TUCSON Zip: 85748

Property Address: 15921 W. AJO WAY City: TUCSON Zip: 85709

Tax Code Number(s): 208 - 05 - 0045 Zone: GR - 1

Does the subject parcel have an active building or zoning code violation? NO

Owner or Applicant's Email Address: SCSELL@COX.NET

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: [Signature] Date: JULY 29, 2014

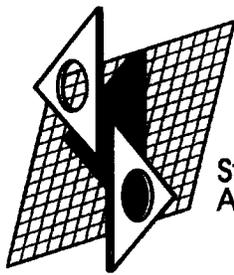
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

Case Title: _____ Co10() _____
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) _____ of the Pima County Zoning Code which requires _____

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY _____ DATE ____/____/____.



Steven C. Shell
Architect

July 29, 2014

PROJECT: New Modular Building & Parking for:
United Community Health Center - Three Points Clinic
15921 W. Ajo Way
Three Points, Arizona

Dear Board of Adjustment District 3 Board Members,

I am requesting a variance to reduce the rear and east side yard setbacks on behalf of my Client, United Community Health Center (UCHC) and Pasadera Behavioral Health Network (Pasadera), in order to add a new modular building and 8 new parking spaces to the existing UCHC Three Points Health Clinic.

Variance Item 1: Reduce Rear Yard Setback:

Request to reduce the required 50' rear yard building setback to 12' as shown on the drawing.

Variance Item 2: Reduce East Side Yard Setback:

Request to reduce the required 50' side yard building setback to 20' as shown on the drawing.

UCHC is a nonprofit Federally Qualified Health Center that provides primary health care to populations in Southern Pima County regardless of their ability to pay. Pasadera is a non-profit organization that is dedicated to providing accessible and innovative behavioral health treatment to all those in need of such services. This partnership helps to ensure high quality and collaborative care for all those seeking physical and behavioral health services in the Three Points area. This new modular building will provide space for Pasadera staff such as a receptionist, therapist and psychiatrist or nurse practitioner. The building is located directly behind the clinic in order to ensure close communication and coordination with the UCHC doctors and medical assistants.

We originally submitted an MSR request for these set back reductions; however, one neighbor to the south of our project (15901 W. Ajo Way) wrote a letter opposing our request, mainly due to noise. Unfortunately, we have not been able to discuss our project with this neighbor (Mrs. Ruth Martindale) despite several attempts to contact her. We were unable to call her as our research indicated that there was no phone number listed, Although we attempted to hand deliver a letter to her in Three Points, there was a gate across her drive way with a sign that stated "Do Not Enter" and therefore we were unable to hand deliver the letter thus we sent the letter priority mail to her and asked her to call us to discuss possible ways we could reduce the noise factor she was concerned about.

Since this is the first time we have heard any complaints from a neighboring property owner in the area after operating this clinic since 1994, we feel that the noise which she is objecting to may be coming from the new construction project which just started on the property next door to the east of our site (15911 W. Ajo Way) which is also directly adjacent to her property.

In our effort to help mitigate any noise which our new modular building may generate, my Client is happy to provide a new 5' high masonry wall along the entire (127' approximate) south property line of our site and an additional 5' high section of wall along the southern 50' of our east property line, as shown on the drawing. We hope that this will help address Mrs. Martindale's concerns and help show her that UCHC and Pasadera really do want to continue being good neighbors.

Thank you very much for your time and consideration!

Steven C. Shell, Architect



Steven C. Shell
Architect

July 7, 2014

Pima County Development Services, Building and Site Development
201 N Stone Avenue
Tucson, AZ 85701

PROJECT: Site Plan for New Modular Building Addition & Site Remodel
United Community Health Center - Three Points Clinic
Tucson, AZ
JOB NO: 14 - 106
RE: Letter of Authorization to Act as the Owner's Agent

Dear Pima County Planning Department,

Please accept this letter as written authorization for me to submit the following 2 items on behalf of my Client, United Community Health Center.

Reduce Rear Yard Setback:

(18.07.070 Modification of setback requirements - MSR Request)

Request to reduce the required 50' rear yard building setback to 10' as shown on the drawing.

Rear Yard Natural Buffer Adjustment:

In lieu of waiving or deleting the required 40' rear yard Natural Landscaped Buffer, we will be allowed to provide a relocated new area as shown and labeled on a plan which demonstrates that the current SF amount of buffer area will be maintained or increased. (Using 'averaging' for Buffer Yard Area)
In addition, we will be required to provide seeding and new planting with local matching plants in order to maintain the 'natural look' of the area.

Should you have any questions, please call me.
Sincerely,

Steven C. Shell
Architect

Authorized by:

Tony Bruno, Facilities Director
United Community Health Center

Date: 07/7/14

Robert Quinn, CEO - Interior

MODIFICATION OF SETBACK REQUIREMENTS STANDARDS EVALUATION

In the spaces provided below, please explain how the proposed setback modification meets each of the six standards listed in Chapter 18.07.070D of the Pima County Zoning Code. The application cannot be processed without this information. Answer each question using full sentences. You may attach a separate sheet if necessary. **DO NOT USE PENCIL.**

1. Describe how the proposed reduction of setback affects the amount of privacy that would be enjoyed by nearby residences:

THIS REDUCTION TO THE SETBACKS WILL NOT AFFECT ANY RESIDENCES ADJACENT TO THE SOUTH (10 ACRE PARCEL LIGHTLY DEVELOPED) PROPERTY TO THE WEST IS UNDEVELOPED, OWNED BY VERIZON AND THE UNDEVELOPED TO THE EAST IS UNDER CONSTRUCTION (RETAIL) SURROUNDING ZONING IS GR - 1

2. Explain how significant views from nearby properties of prominent landforms, unusual stands of vegetation, or parks would not be affected by this request:

NO VIEWS ARE IMPACTED NOR BLOCKED BY THIS NEW MODULAR BUILDING SINCE THERE ARE NO EXISTING ADJACENT BUILDINGS NOR DEVELOPMENT NEAR. (IN THE EVENT THAT ANY FUTURE BUILDINGS ARE BUILT, OUR MODULAR ADDT IS A 4' - 8" SINGLE STORY, SMALL STRUCTURE)

3. Explain how traffic visibility on adjoining streets will not be affected by this request:

THIS REQUEST IS FOR THE REAR & SIDE YARD SETBACKS ONLY AND DOES NOT IMPACT ANY ON OR OFF SITE TRAFFIC OR VEHICULAR VISIBILITY

4. Describe how drainage from proposed buildings and structures affects adjoining properties and public rights-of-way:

ALL ON SITE SURFACE WATER DRAINAGE & RUN OFF SHALL REMAIN IN IT'S CURRENT CONDITION AND WILL NOT BE ALTERED BY THIS NEW ADDITION. (EXISTING SITE PAVED AREAS ARE CURBED AND WERE APPROVED BY PIMA CO.) THIS NEW MODULAR BUILDING WILL BE 30" ABOVE GRADE, NOT ALTERING SURFACE FLOW

5. Describe in detail the use of structures involved in this request:

THIS NEW MODULAR BUILDING WILL BE USED FOR PASADERA'S RECEPTIONIST, THERAPIST AND PSYCHIATRIST OR NURSE PRACTITIONER IN CONNECTION W/ THE EXISTING CLINIC (EXPANSION & ADDITION TO THE EXISTING WALK THREE POINTS HEALTH CLINIC)

6. Explain how the location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjacent properties:

THIS NEW MODULAR BUILDING WILL BE USED AS A CONTINUED ALLOWED MEDICAL CLINIC AND WILL NOT GENERATE ANY OBJECTIONABLE NOISE LEVELS OR ODORS (THERE WILL BE NO OUTDOOR ACTIVITIES) IN ADDITION, OUR NEW MODULAR BLOCKS SOUND BETWEEN THE EXISTING BUILDING & PARKING AND OUR NEIGHBOR SOUTH

NOTE: ADDITIONAL SOUND ISOLATION EFFORT

IN OUR EFFORT TO HELP REDUCE THE IMPACT OF ANY POSSIBLE NOISE AFFECTING OUR NEIGHBOR TO THE SOUTH & EAST, WE WILL CONSTRUCT A 5' HIGH MASONRY WALL ALONG OUR ENTIRE SOUTH & SOUTH 30' OF OUR EAST PROPERTY LINES.

THIS SHOULD MITIGATE ANY EXISTING AND POSSIBLE NEW NOISE FROM ANNOYING OUR RESIDENTIAL NEIGHBOR TO THE SOUTH.

Ruth Martindale
15901 W Ajo Hwy
Tucson, AZ 85735

Pima County Development Services
Planning Division
Attn: Elva Pedrego
201 N. Stone Ave, Second Floor
Tucson, AZ 85701

July 21, 2014

Re : Case No. Co28(3)14-16 United Community Health Care

To Whom It May Concern:

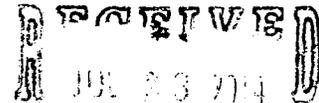
This letter is to inform you in writing that I do oppose the modification of setback requirements as proposed in your letter to me. I do not agree to having the 50' minimum setback from the property being reduced to 12'. The standard is 50' by law. The list of things that you have provided don't provide for the minimum requirement. I don't want the new structure that close to my property line. I can already hear noise of people in parking lots, janitors, etc, having another structure closer to my property line will increase the noise.

This letter will be sent via certified mail voicing my strong opposition.

Regards



Ruth Martindale



BY: _____



July 25, 2014

Ms. Ruth Martindale
15901 W. Ajo Highway
Tucson, AZ 85735

Dear Ms. Martindale:

Pasadera Behavioral Health is working in partnership with United Community Health Center (UCHC) in developing an integrated health system for the residents living in Three Points. We are in hopes of placing a mobile unit on the back of the UCHC Three Points clinic property in order to further our mission of providing a full array of locally based physical and behavioral health services to residents. In developing our project, we do want to be good neighbors and address any concerns that UCHC property neighbors might have.

It is my understanding that you denied the easement needed to place such a unit on the UCHC property and we wanted to meet with you to discuss a plan we have to help eliminate or limit the noise that you are concerned about. After reviewing your concerns, we have developed a plan to place a five foot wall around our mini mobile. We would like you to meet with our architect so he can show you where the wall would be placed and how this would affect the noise factor.

We would like to set up a meeting on Monday, July 28th, to discuss this option.

I look forward to meeting with you and would appreciate your willingness to consider our proposal. I look forward to hearing from you either by e-mail or phone call regarding the meeting. Please feel free to contact me over the weekend as the number below is my cell phone number.

Sincerely,

Ms. Derre Ferdon
Director of Integrated Care
(520)904-4906
derre@cox.net