



*Town of Oro Valley
Community Development and Public Works*

Date: March 21, 2017

Subject: Zoning Interpretation – Conditional Use Permit requirement for bank drive-thru lanes in San Dorado (OV1700529)

REQUEST

A zoning interpretation was requested by Morgan Ellig, an architect at DBSI. The aim is to discover if a conditional use permit is required for bank drive-thru lanes in San Dorado. San Dorado is a commercial development regulated by the Oro Valley Town Centre Planned Area Development.

APPLICABLE ZONING REFERENCES

The subject property is governed by the Oro Valley Town Centre at Rooney Ranch Planned Area Development (adopted on October 16, 2002). *The Planned Area Development (PAD) is the controlling document for the development of the Oro Valley Town Centre at Rooney Ranch, any existing or future Town ordinances or regulations (including any design guidelines) that conflict with this PAD shall either not apply or shall be interpreted to allow the PAD regulations to control (Policy 11, OV Town Centre PAD).* Below are related references from each document:

a. Oro Valley Town Centre at Rooney Ranch Planned Area Development

The Oro Valley Town Centre at Rooney Ranch PAD specifically regulates conditional use permits as follows:

Page BB-7:

10. Permitted Convenience Uses (CUP)

Notwithstanding any other provision of this section or the OVZCR, Convenience Uses shall be defined as:

- a. *Any use with a drive-in or drive-thru;*
- b. *Stores less than 7, 500 square feet where food and drink, which may include packaged alcoholic beverages, are sold. Such items are sold primarily for consumption off premises; or*
- c. *Gas stations*

Convenience Uses shall be permitted subject to the following conditions

1. *Up to a total of 6 Convenience Uses may be located within Areas 1, 2, or 3 as described below:*

Oro Valley, it's in our nature.

- a. *A maximum of four (4) Convenience Uses may be located in Area 1. Developer shall decide how the remaining Convenience Uses will be allocated between areas 2 and 3.*
 - b. *A maximum of two (2) Convenience Uses may be freestanding fast food with drive-in/drive-thru that stay open past 9:00 PM, and only 1 of the freestanding fast food. Convenience Uses with drive-in/drive-thru that stays open past 9:00 pm may be located in Area 1.*
- 2. *A CUP will be required pursuant to the provisions of the PAD.*
- 3. *The CUP is subject to all requirements as specified in Section 25.1.G of the Zoning Code with the exception of the following:*
 - a. *Location Requirements*
 - b. *Number of convenience uses*
 - c. *Timing of Development*
- b. **Oro Valley Zoning Code**
 Ordinance 16-16 (approved in December 2016) redefined convenience uses specifically placing banks and financial services in their own category. Zoning code regarding permitted uses was amended to the following:

Table 23.1-Permitted Uses

Drive-thru uses (not including banks) - conditional for C-N, C-1 and C-2 zoning districts
Financial Services-permitted in C-N, C-1 and C-2 zoning districts

Chapter 31 of the Town of Oro Valley Zoning code provides the following applicable definitions:

Convenience Use

A use by which the method of operation produces a moderate or high level of traffic and impacts on surrounding uses. The following are considered convenience uses:

- 1. *Gas stations*
- 2. *Drive-thru uses, not including banks*
- 3. *Convenience markets*
- 4. *Vehicle (car) washes*

Financial Services

An establishment providing management or exchange of money, assets or other fiduciary services, including banks, credit unions, savings and loans, mortgage and/or title companies.

INTERPRETATION

The intent of the PAD was to entirely reflect the convenience use definition within the Town of Oro Valley's Zoning Code. Therefore, the new definition of convenience use in the Town of Oro Valley's Zoning code shall preside over the Oro Valley Town Centre definition. This definition

Oro Valley, it's in our nature.

delineates banks and financial services as a separate use because a drive-thru in association with a bank produces much less traffic and generally has a much lower impact on adjoining properties. As such, the Town of Oro Valley Zoning Code no longer identifies a drive-thru in conjunction with a bank as a convenience use. Banks and other Financial Services are permitted in commercial zoning districts and would not be expected to have substantial impacts on adjoining properties. Banks are still required to provide necessary screening and buffering of the drive-thru to minimize any visual impacts.

In summary, it is found the Zoning Code Ordinance (O) 16-16 does not conflict nor limit the PAD's intention for permitted uses. Banks or Financial Services shall not be required to have a conditional use permit for drive-thru lanes.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED-AICP
Planning and Zoning Manager

3/21/17

Date

Oro Valley, it's in our nature.