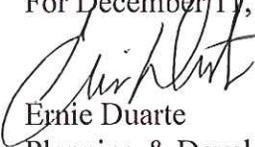




MEMORANDUM

DATE: November 20, 2014
For December 11, 2014 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & DEVELOPMENT SERVICES REPORT
SE-14-74 Goodwill Industries – Broadway Boulevard, C-1 Zone (Ward 2)

Issue – This is a request by Rhonda Rawson of ADC, Inc., on behalf of the owner, WG 2 LLC, requesting a Special Exception Land Use (SELU) for a household goods donation center in the C-1 zone. The special exception site is located on the south side of Broadway Boulevard approximately 450 feet east of Sarnoff Drive (see Case Location Map). The preliminary development plan proposes the establishment of a Goodwill retail store with a household goods donation center in an existing 16,900 square foot building on a 1.40 acre site.

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

Background Information

Existing Land Use: Vacant commercial building

Surrounding Zones and Land Uses:

North: Zoned C-1; Commercial and self-storage uses

South: Zoned R-1, R-3, O-3; Medium density residential, condominiums, and religious use

East: Zoned C-1; Retail commercial

West: Zoned C-1; Retail commercial, fast food restaurant

Previous Cases on the Property: None

Related Cases:

SE-13-03 Goodwill Industries – Broadway Boulevard, C-1 Zone This was a request for a Special Exception Land Use to allow a household goods donation center in an 842-square-foot vacant tenant space in a strip commercial center located on the north side of Broadway Boulevard, 375 feet east of Plumer Avenue. The Zoning Examiner approved the request on March 14, 2014.

SE-12-72 Goodwill Industries – 22nd Street, C-1 Zone This was a request for a Special Exception Land Use to allow a household goods donation center in a 1,500-square-foot vacant tenant space in an approximately 15-acre commercial development located on the northeast corner of 22nd Street and Wilmot Road. The Zoning Examiner approved the request on September 20, 2012.

SE-11-01 Goodwill Industries – Tanque Verde Road, C-1 This was a request for a Special Exception Land Use to allow a household goods donation center in a 2,374 square foot commercial building located on the south side of Tanque Verde Road approximately 100 feet west of Indian Ruins Road, in an existing 2,374 square foot commercial building. The Zoning Examiner approved the request on April 14, 2011.

Applicant’s Request – To establish a retail store with a household goods donation center within an existing building as a Special Exception Land Use in the C-1 zone.

Planning Considerations – Policy direction is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. The special exception site is located within an existing neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are characterized in *Plan Tucson* as largely built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected in the next few decades. The goal is to maintain the character of these neighborhoods while accommodating some new development and encouraging reinvestment, services, and amenities that contribute to further neighborhood stability. The *Plan* supports integration of land use, transportation, and 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. Land Use policies support the protection of established residential neighborhoods by supporting compatible development, which may include mixed-use infill and appropriate nonresidential uses. Policies encourage the redevelopment and/or expansion of existing strip commercial development that will improve traffic flow, pedestrian mobility and safety, and streetscape quality, stabilizes and enhances the transition edge when adjacent to existing and future residential uses, and screens and buffers adjacent residential properties. Buildings and their associated activities, such as, but not limited to, loading zones and dumpsters, should be oriented away from adjacent residential uses, toward the interior of the site or toward boundaries adjacent to similar uses.

Pantano East Area Plan commercial policies support commercial development in appropriate locations along arterial streets when adjacent uses are adequately buffered and when designed in harmony with adjacent residential uses. The proposed donation center will be located on an existing commercial site.

Across Broadway Boulevard, to the north, are commercial developments, zoned C-1, and a personal storage facility, zoned C-2. To the east are commercial retail uses and a VFW post, zoned C-1, and to the west is a fast food restaurant, zoned C-1. To the southwest across Robb

Wash is a church complex in the O-3 Office zone and a residential subdivision, Desert Steppes Estates, in the R-1 Single Family Residential zone and developed with single-family, one-story homes. To the southeast is a condominium complex (Spanish Trail Condominiums) in the R-3 High-Density Residential zone. The nearest residential units are located approximately 200 feet to the south in the single-family home subdivision across Robb Wash.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 52 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The proposed special exception use is to be located within an existing vacant building in the C-1 Neighborhood Commercial zone.

Proposed improvements include upgraded landscaping, pedestrian circulation, new signage, and a depressed loading dock on the northwest side of the existing building. The proposed commercial development meets *Plan* policy direction for compatibility in size, scale, and mass with adjacent uses, and provides services for nearby residential neighborhoods. The Design Compatibility Report addresses the Code requirements for the SELU. The Security Management Plan, submitted as part of the application, has been reviewed by staff, and is acceptable.

Drainage/Grading/Vegetation – A new ten-foot wide street landscape border is proposed along the Broadway Boulevard frontage. Additional trees will be provided within the parking area as required by code.

Road Improvements/Vehicular Access/Circulation – The site has two access points from Broadway Boulevard. Broadway Boulevard is identified on the *Major Street and Routes Plan* (MS&R) as a gateway arterial street with a 150-foot right-of-way width.

Use-Specific Standards

Below are the Use-Specific Standards for “Salvaging and Recycling, (limited to household goods donation center)” subject to: *UDC* Sec. 4.9.5.G.2, Sec. 4.9.5.G.6-.12; Sec. 4.9.13.A.2; Sec. 4.9.13.B, .C, and .D. Approval is through the Zoning Examiner Special Exception Procedure, *UDC* 3.4.3. Following each standard, in *Italics*, are the applicant’s responses.

UDC Table 4.8-4 Salvaging and Recycling (limited to household goods donation center).

UDC 4.9.5.G.2 All salvaging and recycling activities and storage are to occur within an enclosed building.

Comment: The existing 16,900 square foot structure will house all activities including a retail store. There will be no salvaging or recycling activities occurring outside the structure.

UDC 4.9.5.G.6 In addition to the requirements of Sec. 7.6 *Landscaping and Screening*, there must be a screen wall at least six (6) feet in height between this use and any residential zone.

Comment: Surrounding parcels are also C-1 zoning. Commercial uses are on the west, north, and east of the subject parcel. There is a church facility to the south beyond the existing drainage way in the O-3 zone. The church is screened from the proposed use by an existing masonry wall. This site will have a new depressed loading dock to be located on the west side of the existing structure. There will be new landscaping along the street perimeter for additional screening.

UDC 4.9.5.G.7 The household goods donation center must be located in a permanent building staffed by an attendant who remains on the premises during the center's hours of operation.

Comment: This project will have an employee on premises during all hours of operation. Hours are listed in the submitted Security Management Plan (8:00 AM to 9:00 PM Monday through Saturday and 8:00 AM to 7:00 PM Sunday)

UDC 4.9.5.G.8 Security procedures or physical barriers must be provided to prevent after-hours drop-off of donated items and to prohibit nighttime access to these items.

Comment: Goodwill Industries has in place a system of trucks that circulate between their donation centers to deter after-hour drop-off as well as pick up any items that have been dropped off. This, in combination with security locks and nighttime lighting, is effective in deterring such activities.

UDC 4.9.5.G.9 The applicant must submit a security management plan, which describes the operation of the center, to the Zoning Administrator for review and approval. The plan must include: the days and hours of operation for the center; descriptions of the planned security procedures and/or physical barriers planned to prohibit both vehicular access when the center is closed and outside storage when the center is closed; the outdoor lighting schematic; and the operational procedures planned to implement the security management plan. Any changes or amendments to the security management plan must be filed with and approved by the Zoning Administrator. If the use is operated in a manner that violates the security plan or conditions for permitting the use, the use may be suspended in accordance with Section 10.4 *Penalties and Remedies*.

Comment: Please see the Goodwill Security Management Plan for additional information.

UDC 4.9.5.G.10 Signs must be posted on the site providing the days and hours of operation and stating that donations are not to be left after the center has closed.

Comment: Signs indicating the designated drop-off location, hours of operations, statements that donors should not leave donations after hours, and listing items that Goodwill does not accept will be prominently displayed on or near the donation site door.

UDC 4.9.5.G.11 One (1) drive-through service lane may be provided for customer drop-off of donated items.

Comment: The drop-off lane is located on the northwest side of the existing building. New automatic doors will be installed so goods can be dropped off directly into the existing building.

UDC 4.9.5.G.12 The household goods donation center must be located on, and have access from, either a street designated as an arterial street in the *Major Streets and Routes Plan (MS&RP)*, or a local street in a commercial or industrial park which has direct access to an arterial street.

Comment: The proposed Goodwill fronts Broadway Boulevard and has direct Access to an arterial per the MS&RP.

UDC 4.9.13.A.2 Access – The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

Comment: The proposed Goodwill has direct access to Broadway Blvd.

UDC 4.9.13.B Hours – The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.

Comment: The Goodwill Security Management Plan dictates that the hours of operation will be from 8:00 AM to 9:00 PM Monday through Saturday and 8:00 AM to 7:00 PM Sunday.

UDC 4.9.13.C Lighting – In addition to the requirements of Chapter 6, Section 6-101, *Outdoor Lighting Code*, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.

Comment: All lighting is oriented to face down and is either under full cover or full cut-off fixture.

UDC 4.9.13.D Noise – In addition to the requirements of Section 16-31, *Excessive Noise*, of the Tucson Code, the use must be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

Comment: All operations will take place within an enclosed building. The doors for access to the drop off area will be on the northwest side of the building, not oriented towards residential zoning.

Staff comment: The proposal is in substantial compliance with the UDC Use-Specific Standards for the requested SELU.

Conclusion – The proposed donation center will make use of an existing structure in compliance with the *Pantano East Area Plan* and *Plan Tucson*. In addition, the proposal complies with the UDC Use-Specific Standards and the Security Management Plan is acceptable. Subject to compliance with the attached preliminary conditions, approval of the Special Exception Land Use is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package dated September 26, 2014, the Design Compatibility Report, and the Security Management Plan shall be submitted and approved in accordance with Section 2-06 and Section 3 of the Administrative Manual.
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 titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. 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. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Three (3) years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

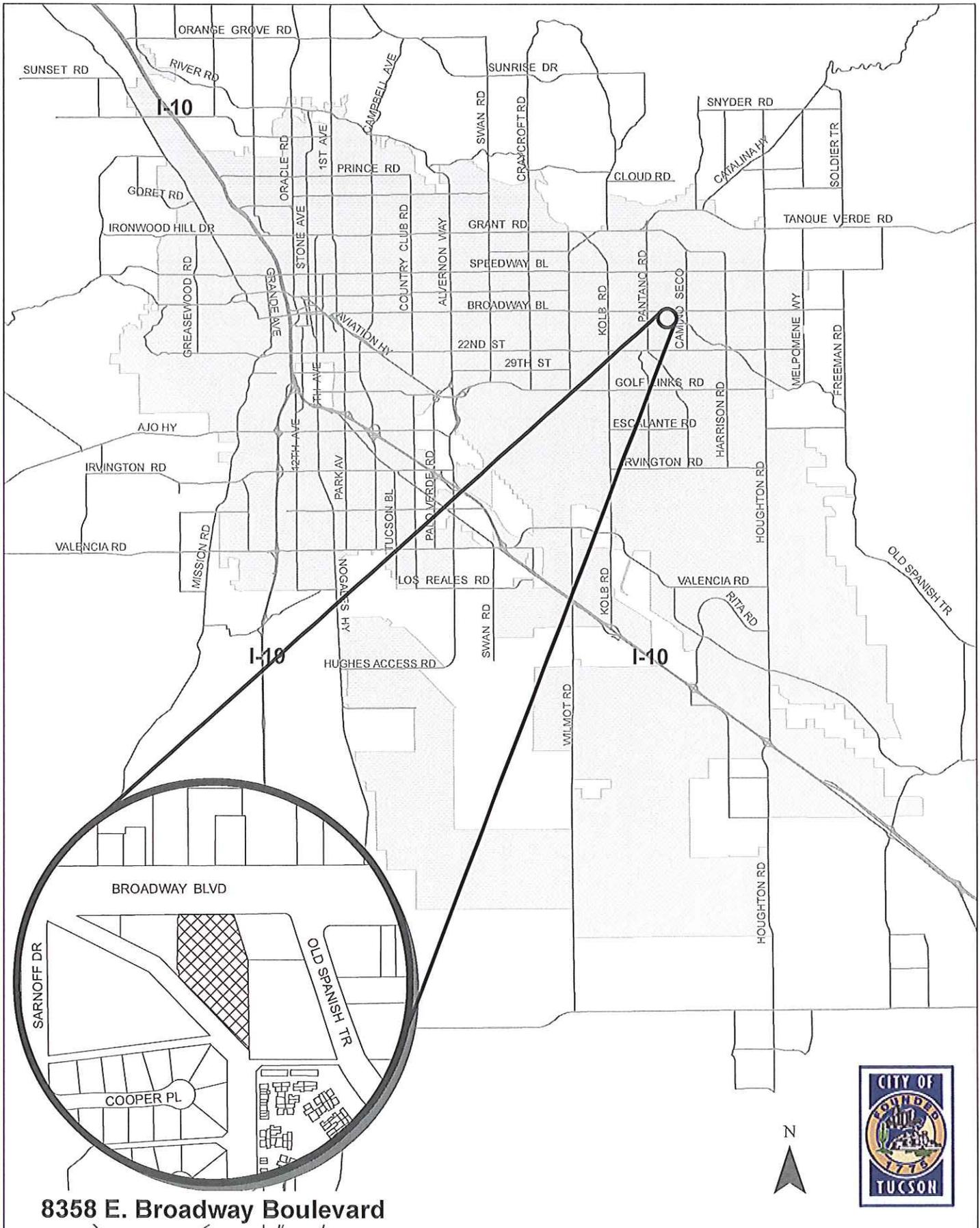
LAND USE COMPATIBILITY

7. Six (6) inch wide fence block or greater shall be used for perimeter walls.
8. A street landscape border shall be installed on the site along the Broadway Boulevard frontage.
9. Refuse containers to be screened with masonry walls painted with a color similar to the redeveloped structure on the site.
10. Operation of the household goods donation center shall be subject to the provisions of the Security Management Plan date stamped September 26, 2014.
11. Hours of operation for drop off/pick-up of donated items, trash pick-up, and outdoor activities shall be limited to 8:00 a.m. to 9:00 p.m. Monday through Saturday and 8:00 a.m. to 7:00 p.m. on Sunday in compliance with the submitted Security Management Plan date stamped September 26, 2014.

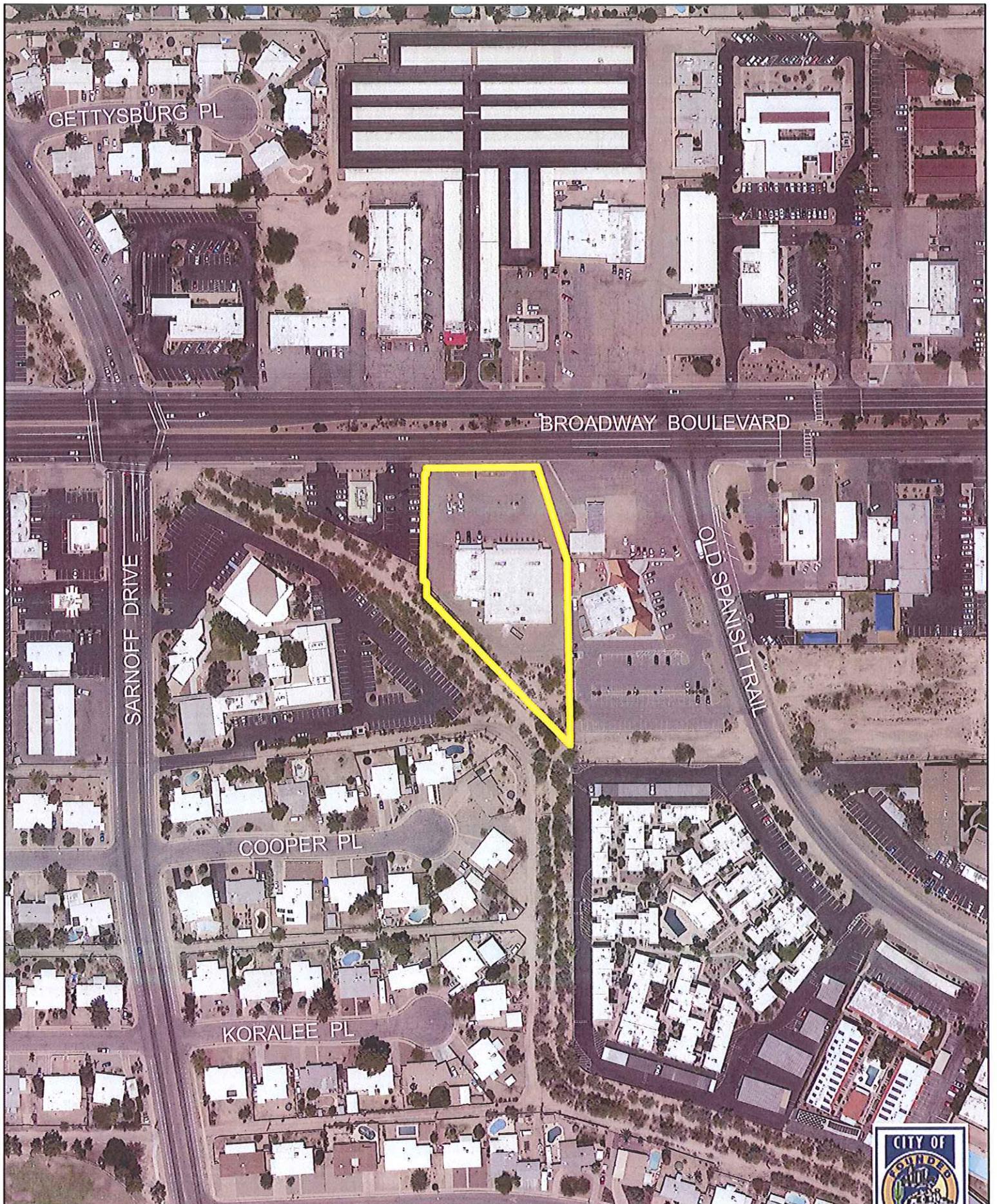
Preliminary Conditions

12. There shall be no overnight parking of commercial vehicles.
13. There shall be no loading/unloading of donated goods from vehicles in the employee parking area south of existing building.
14. There shall be no outdoor open storage of donated goods, unwanted donations, or large trash/waste. Any offsite after hour donations/refuse shall be cleaned up daily by 8:00 a.m. in compliance with the submitted Security Management Plan date stamped September 26, 2014.

SE-14-74 Goodwill - Broadway Boulevard



8358 E. Broadway Boulevard

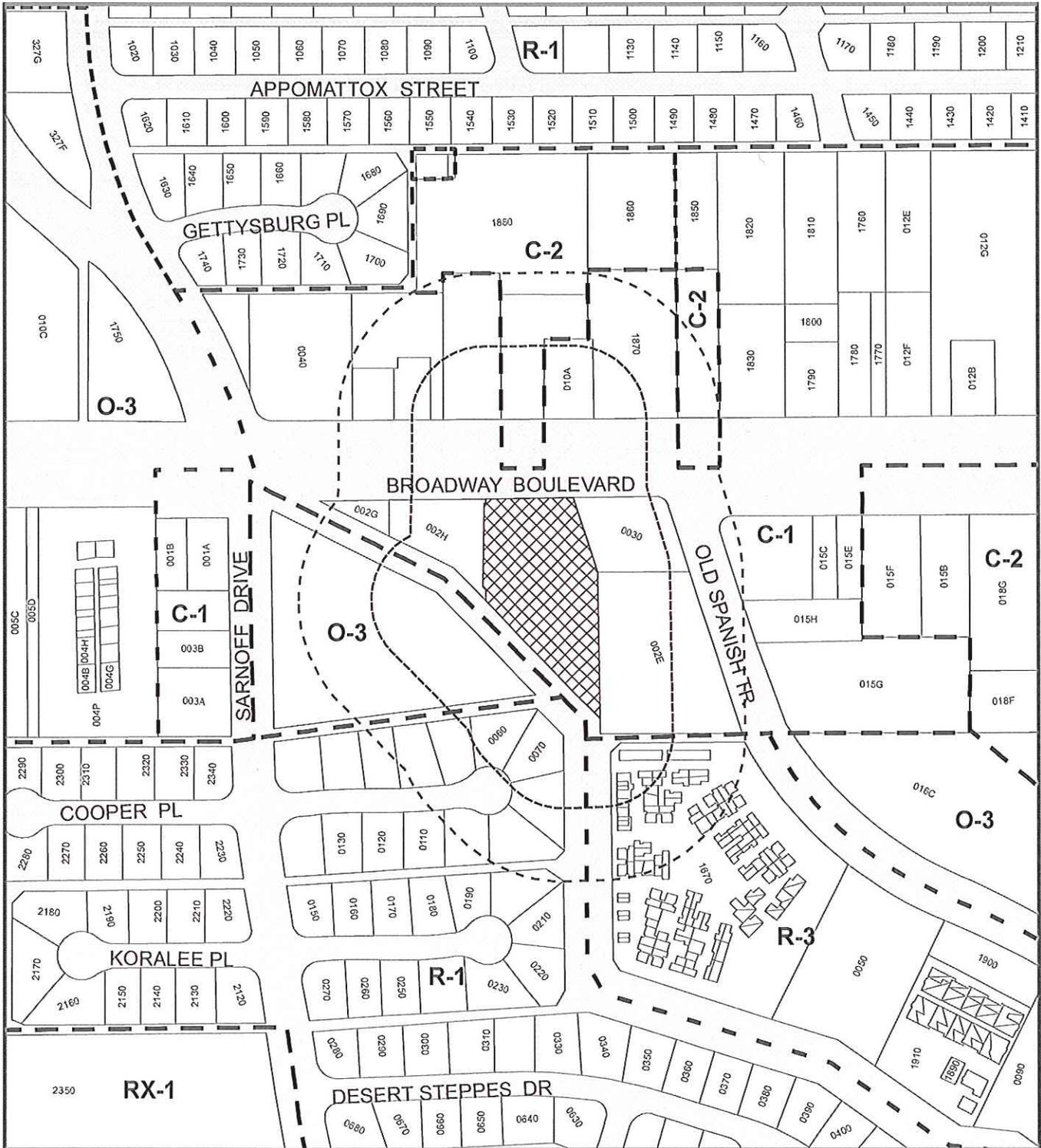


SE-14-74 Goodwill - Broadway Boulevard
2014 Aerial

0 50 100 200
Feet
1 inch = 200 feet



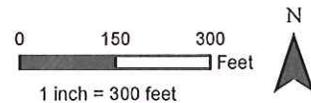
SE-14-74 Goodwill - Broadway Boulevard Z.E. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area



Address: 8358 E. Broadway Boulevard
 Base Maps: Sec.16 T.14 R.15
 Ward: 2



PUBLIC FACILITIES AND SERVICES REPORT FOR December 11, 2014
(as of November 21, 2014)

SE-14-74 Goodwill – Broadway Boulevard, C-1 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 10/13/14.
Planning & Development Services – Engineering: See attached comments dated 10/13/14.
Planning & Development Services – Community Design: See attached comments dated 11/5/14.

No Objections Noted

Office of Conservation & Sustainable Development
Transportation – Engineering
Transportation – Traffic Engineering
Planning & Development Services – Engineering
Planning & Development Services – Zoning Enforcement
Planning & Development Services – Sign Code
Tucson Fire Department
Community Services – Historic Preservation Officer
Environmental Services
Tucson Parks and Recreation
Tucson Police Department
Planning & Development Services – Landscape

NON-CITY AGENCIES

PAG-TPD: Estimated traffic generation of proposed development: 52 vehicle trips per day.

No Objections Noted

Tucson Unified School District
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, November 26, 2014 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

Approval – Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

Case: SE -14-74 Goodwill – Broadway Boulevard, C-1 Zone Ward # 2

I/We the undersigned property owners, wish to

- APPROVE the proposed Special Exception.
 PROTEST the proposed Special Exception.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning & Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

SE-14-74

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning & Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-14-74

IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED