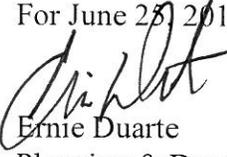




MEMORANDUM

DATE: June 10, 2015
For June 23, 2015 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & DEVELOPMENT SERVICES REPORT
SE-15-07 InJoy Thrift Store – Pantano Road, C-1 Zone (Ward 2)

Issue – This is a request by Terry Cropp, on behalf of the owner, InJoy Thrift Store LLC, requesting a Special Exception Land Use (SELU) to allow a household goods donation center in the C-1 zone. The special exception site is located on the east side of Pantano Road approximately 1,000 feet north of Broadway Boulevard (see Case Location Map). The preliminary development plan proposes a retail thrift store with a household goods donation center in an existing 19,000 square foot building on a 2.05 acre site.

Per *Unified Development Code (UDC)* Table 4.8-4, a household goods donation center in the C-1 zone requires a Zoning Examiner Special Exception Procedure as outlined in *UDC* Sec. 3.4.3. The household goods donation center has been operating since October, 2014 without the required SELU.

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: Existing retail thrift store in a commercial building

Surrounding Zones and Land Uses:

North: Zoned C-1, R-3; Financial and multi-family apartments

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

East: Zoned R-3; Multi-family apartments

West: Zoned C-2; Retail commercial and financial

Previous Cases on the Property: None

Related Cases:

SE-14-74 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 a 16,900-square-foot building on a 1.40 acre site located on the south side of Broadway Boulevard, approximately 450 feet east of Sarnoff Drive. The Zoning Examiner approved the request on December 19, 2014.

SE-13-96 Family Attic – Pantano Road, C-1 Zone This was a request for a Special Exception Land Use to allow the expansion of a retail store and household goods donation center from 2,456 square feet to 3,800 square feet of floor area in an existing multi-tenant commercial shopping center located on the west side of Kolb Road, approximately 500 feet north of 22nd Street. The Zoning Examiner approved the request on November 29, 2013.

Applicant's Request – To allow a household goods donation center as part of a retail thrift store 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 primarily built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected. The goal is to maintain the character of these neighborhoods while accommodating new development and encouraging reinvestment, new services, and amenities that contribute to further neighborhood stability. *Plan Tucson* encourages design elements that reflect project sensitivity to the site and surrounding neighborhoods, and enhance the overall function and visual quality of the street, adjacent properties and the community. Land Use policies support the protection of established residential neighborhoods by supporting compatible development, which may include mixed-use infill and appropriate nonresidential uses.

Pantano East Area Plan commercial policies support commercial development in appropriate locations along major streets when adjacent uses are adequately buffered and when designed in harmony with adjacent residential uses. The donation center is located on an existing commercial site near two major arterial streets, Pantano Road and Broadway Boulevard.

Across Pantano Road, to the west, is developed with commercial uses and a credit union, zoned C-2. To the east are 2-story residential apartments, zoned R-3. To the north is a credit union, zoned C-1 and two-story residential apartments, zoned R-3. To the south is a retail commercial center, zoned C-1.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) states that the proposed development will have a negligible impact on vehicle trip generation. 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 located within an existing commercial building in the C-1 Neighborhood Commercial zone.

Improvements include new signage, and a dropoff bin located within the parking lot to the west of the 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.

Road Improvements/Vehicular Access/Circulation – The site has two access points from Pantano Road, which is identified on the *Major Street and Routes Plan* (MS&R) as an arterial street with a 150-foot right-of-way width. In addition, there is internal cross access between the site and adjacent commercial properties to the north and south. There is no vehicular access to the east side of the building where it is adjacent to multi-family residential uses.

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 other than a single donation bin located in the parking area to the west of the building.

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: The R-3-zoned property to the east is the only immediately adjacent residential zone and it is screened from the use by an existing 5-1/2 foot high wall, as well as the east facing back wall of the building itself. Commercial uses and zones are to the west, north, and south of the subject parcel.

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 (9:00 AM to 9:00 PM Monday through Saturday only)

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: Their donation center has a locking outdoor drop-off. Any items that have been dropped off will be picked up daily. This, in combination with security locks and nighttime lighting, is effective in deterring outdoor 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 submitted 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 and hours of operations, statements that donors should not leave donations outside after hours, and listing items that are not accepted will be prominently displayed on or near the building and donation site.

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

Comment: No drop-off lane is proposed.

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 use has direct access to Pantano Road, 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 use has direct access to Pantano Road.*

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 9:00 AM to 9:00 PM Monday through Saturday.*

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 drop-off bin is located on the west 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 makes use of an existing structure in compliance with the *Pantano East Area Plan* and *Plan Tucson*. In addition, the use 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 SELU is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated February 23, 2015, and the Security Management Plan, dated April 9, 2015, 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.

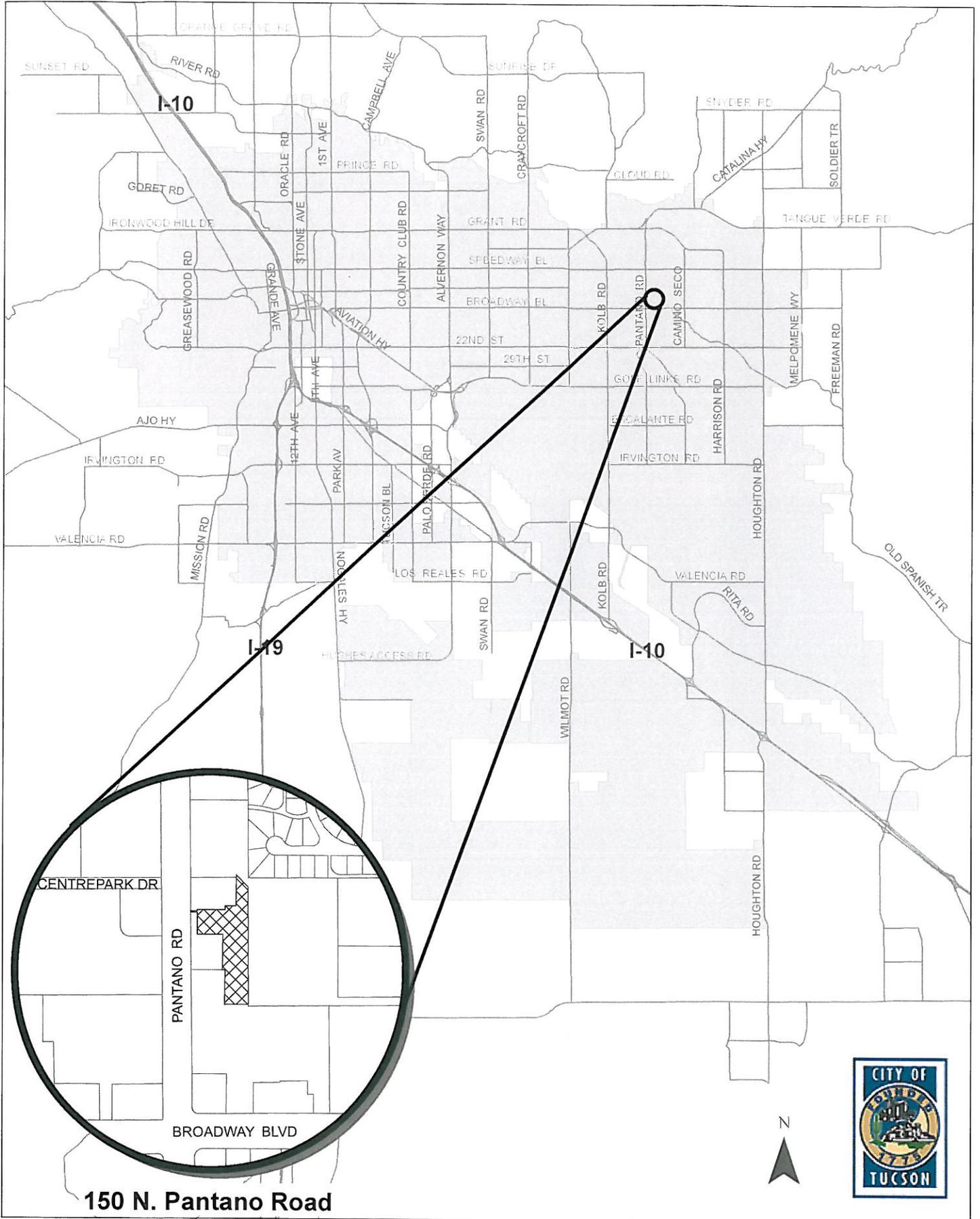
LAND USE COMPATIBILITY

7. Six (6) inch wide fence block or greater shall be used for perimeter walls.
8. Refuse containers to be screened with masonry walls painted with a color similar to the redeveloped structure on the site.
9. Operation of the household goods donation center shall be subject to the provisions of the Security Management Plan dated April 9, 2015.
10. Hours of operation for drop off/pick-up of donated items, trash pick-up, and outdoor activities shall be limited to 9:00 a.m. to 9:00 p.m. Monday through Saturday in compliance with the submitted Security Management Plan dated April 9, 2015.
11. 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 9:00 a.m. in compliance with the submitted Security Management Plan dated stamped April 9, 2015.

Preliminary Conditions

12. A zoning compliance review for the small portable donation bin is required to verify compliance with the Unified Development Code for parking, circulation and access.

SE-15-07 Injoy Thrift - Pantano Road





CENTREPARK DR

8TH ST

PANTANO ROAD

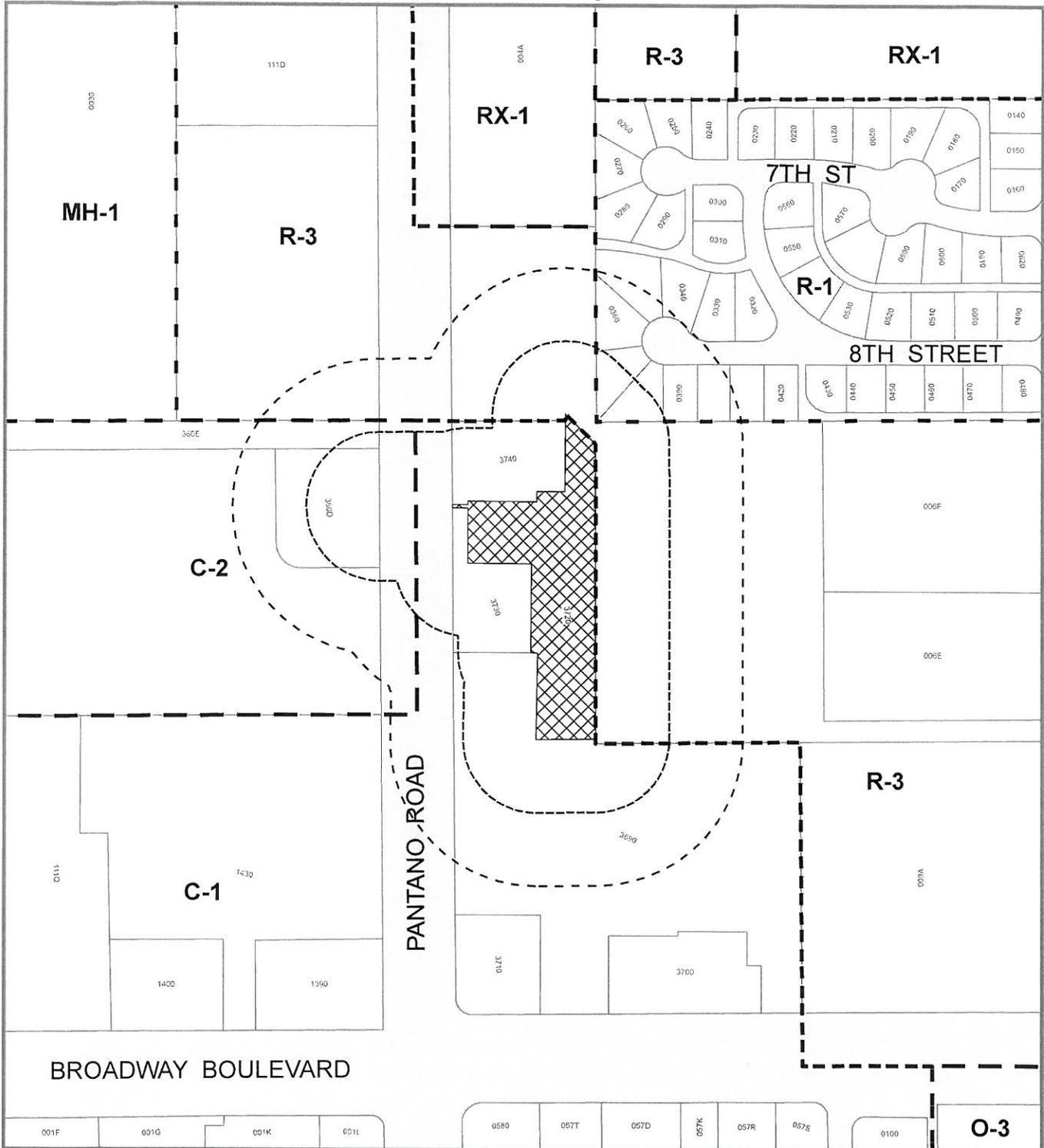
BROADWAY BOULEVARD

SE-15-07 Injoy Thrift - Pantano Road
2014 Aerial

0 50 100 200
Feet
1 inch = 200 feet



SE-15-07 Injoy Thrift - Pantano Road Z.E. Special Exception

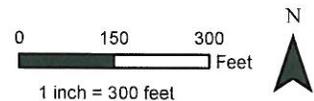


- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries

C-1 Zoning of Requested Area



Address: 150 N. Pantano Road
Base Maps: Sec.09 T.14 R.15
Ward: 2



PUBLIC FACILITIES AND SERVICES REPORT FOR MAY 21, 2015
(as of June 5, 2015)

SE-15-07 InJoy Thrift Store – Pantano Road, C-1 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 5/11/15.

Planning & Development Services – Community Planning: See attached comments dated 5/6/15.

No Objections Noted

Planning & Development Services – Engineering
Office of Conservation & Sustainable Development
Transportation – Engineering
Transportation – Traffic Engineering
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: No estimation of traffic generation provided.

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, June 10, 2015 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

Place
Stamp
Here

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

SE-15-07

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-15-07
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED