



# MEMORANDUM

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DATE: September 18, 2019  
For October 3, 2019 Hearing

TO: John Iurino  
Zoning Examiner

FROM: Scott Clark  
Planning & Development Services  
Director

SUBJECT: SPECIAL EXCEPTION LAND USE  
PLANNING & AND DEVELOPMENT SERVICES REPORT  
Mayor and Council Special Exception Procedure  
SE-19-18 Arizona Auto Parts – Littletown Road, I-2 Zone (Ward 4)

**Issue** – This is a request by Lexy Wellott of The Planning Center, on behalf of the property owner Arizona Auto Parts and JDL & Company LLC, for approval of a Special Exception Land Use to allow an automotive salvage yard and scrap material recycling operation with outdoor storage and processing/intake area. The special exception site is approximately 27 acres located along the north side of Littletown Road approximately 1,600 feet east of Wilmot Road (see Case Location Map). The preliminary development plan (PDP) proposes a two-phase development of the auto salvage yard, with the first phase located in the eastern portion of the property surrounding an existing 12,918 square foot building. The second and final phase will complete the build-out in the western portion of the property and will include construction of a smaller, 2,500 square foot building with recycled material storage and processing area in the back. The northernmost portion of the site located within the Pima Air Museum Wash, a regulatory FEMA floodplain area which is designated as a proposed Environmental Resource Zone, will remain undeveloped. Ingress-egress for the site is provided by way of a single existing paved drive from Littletown Road.

A salvaging and recycling use in the I-2 zone is subject to Sections 4.9.5.C.1 through 4.9.5.C.8 and 4.9.13.Q of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4.

The Mayor & Council Special Exception Procedure requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without, conditions or to deny the request. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

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

### **Background Information**

Existing Land Use: Formerly a landscaping materials processing facility.

#### Zoning Description:

I-2 (Industrial Zone): This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

#### Surrounding Zones and Land Uses:

North: Zoned CI-2; Pima County, vacant subdivided land

South: Zoned I-1 and I-2; vacant undeveloped land

East: Zoned CI-2; Vacant land and industrial storage/contractor's yard

West: Zoned I-2; Medical marijuana cultivation

Previous Cases on the Property: None

Related Cases: None

**Applicant's Request** – The request is for a special exception approval to allow development in two phases of an automotive salvage yard and scrap material recycling operation in the I-2 zone.

**Planning Considerations** – *Plan Tucson* and the *Rincon-Southeast Sub-Regional Plan* provide land use direction for this area. The site consists of nearly 27 acres, with existing access to Littletown Road, and is located within the Industrial Areas Building Block on the Future Growth Scenario map of *Plan Tucson*. Industrial areas are strategically located for efficient handling of intermodal freight movements, and support national and international freight movement through Tucson by connecting existing major regional commercial transportation routes, including railway, major highways, and airports. The use is consistent with the building block designation.

The site is within Map Detail 9 of the *Rincon-Southeast Sub-Regional Plan (RSSP)*. Map Detail 9 designates the site for Urban Industrial. That designation allows for all industrial uses (Resolution #17492, 12/02/96). Sub-regional Policy A.2.a for site analysis states “applicants for rezoning within this sub-region shall submit an Environmental Resource Report (ERR)”. The site is crossed in the extreme northern portion by the Pima Air Museum Wash, designated as a potential Environmental Resource Zone. An ERR was submitted by the applicant as part of the rezoning application. Sub-regional Policy 9 encourages caution with regard to potential historic and archaeological resources within the *RSSP*. The applicant has included as part of the rezoning application, a letter from the Arizona State Museum recommending that a qualified archeological contractor be consulted prior to any ground disturbance.

The site is within the Davis-Monthan Air Force Base (DMAFB) Approach-Departure Corridor 2 (ADC-2). DMAFB personnel have reviewed the Special Request and state that the proposal is a compatible land use and should not impact the mission of the Air Force. However, based on the project's location within ADC-2, the DMAFB review emphasizes that there shall not be any hazardous material storage per City of Tucson AEZ Code 2.8.5.8, C.,2.e-f. This parcel has also been identified as a vulnerable parcel within DMAFB's Readiness and Environmental Protection Integration (REPI) program. Pima County is tracking this parcel for REPI inclusion. The parcel is also located within the DMAFB Noise Control District B, and no conflicts exist with the proposed use.

The proposed auto salvaging and recycling use is in compliance with both *Plan Tucson* and the *RSSP*. A plan amendment is not required.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The facility will be placed within a generally rectangular-shaped 27-acre parcel, approximately 945 feet (west-to-east) by 1,312 feet (north-to-south). The site is surrounded on all four sides by heavy industrial zoning. To the west of the parcel is a medical marijuana dispensary offsite cultivation facility, zoned I-2. To the north is vacant, undeveloped land within Pima County, zoned CI-2. To the east is vacant, undeveloped land and an industrial contractors yard within Pima County, zoned CI-2. To the south is vacant, undeveloped land, zoned I-2 and I-1.

The nearest residential development is a single-family home subdivision, zoned R-1, located approximately 4,000 feet (slightly more than ¾-mile) to the southwest of the site, across the Union Pacific Railroad tracks, west of Wilmot Road and north of Interstate 10.

The PDP shows phasing of the project, with the first phase development encompassing the eastern portion of the site using an existing 12,910 square foot building, with an intake area for off-loading vehicles and parts to be located in the southeast corner of the site, and with an existing retention basin to remain near the center of the site. The second phase accomplishes full build out of the project, with development of the western part of the site, to include construction of a 2,500 square foot building and new retention basins along the western edge of the site. Vehicle parking is shown in the southern portion of the site, with outdoor storage proposed behind the front line of the buildings as required by Unified Development Code Sec. 4.9.5.C.8.

The PDP indicates that floodplain area within the Pima Air Museum Wash tributary, crossing the northern part of the site, will not be disturbed and natural vegetation in this area will remain in place. A 10-foot street landscape border will run along the southern edge of the site as required.

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed with the project. Primary vehicular access to the site will be through an existing paved access drive from Littleton Road. According to the *Major Streets and Routes Plan*, Littleton Road is a local street.

**Use-Specific Standards** – The applicant’s proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.5.C.1 through 4.9.5.C.8 and 4.9.13.Q. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is a list of the pertinent performance criteria for the proposed salvaging and recycling use.

*UDC* 4.9.5.

C. Manufacturing and Industrial (Includes General, Heavy Equipment, Precision, and Primary Manufacturing Land Uses)

2. Access shall be from a street. Access from an alley shall also be permitted, provided the alley is at least 20 feet wide; it is paved for its entire block length; and zoning on both sides of the alley for its entire length within the block is not residential or office.

6. The manufacturing and allied uses and activities shall be conducted in conformance with the following use specific standards:

a. Noise

The sound level of any individual operation shall not exceed the levels permitted in Section 16-31, *Excessive Noise*, of the Tucson Code.

b. Smoke

Smoke emission from any source shall not exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted that is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four minutes in any 30-minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, shall be the standard.

c. Glare or Heat

Any activity producing intense glare or heat shall not be performed in such a manner as to create a nuisance or hazard beyond the property lines.

d. Odors

Emission of odorous gases or other odorous matter shall not be permitted in such quantities as to be offensive to owners or occupants of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.

e. Vibration

No vibration shall be permitted that is discernible beyond the property lines to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of 30 seconds or more in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

f. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution

No emission shall be permitted that can cause damage to health, animals, vegetation, or other forms of property or that can cause any excessive soiling of the air.

g. Liquids and Solid Waste

No waste shall be discharged into the streets, drainage-ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.

h. Illumination

Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Tucson Code, Chapter 6, (*Outdoor Lighting Code*).

8. Outdoor storage, when permitted, shall not be located in a street perimeter yard. Outdoor storage areas shall be screened in accordance with Section 7.6, *Landscaping and Screening*. No materials or products shall be stacked or stored to exceed the height of the screen within 50 feet of an adjoining residential zone or street. Outdoor display of finished products is permitted within a street perimeter yard in an area limited to 10% of the site area or 10,000 square feet, whichever is less. Such display area shall not encroach into required landscape buffer areas. Outdoor storage in the P-I zone is limited to 25% of the site area.

*UDC 4.9.13.*

Q. Park Industrial (P-I), Light Industrial (I-1), and Heavy Industrial (I-2) Zones - General Restrictions

2. On land uses in the Industrial Use Group, traffic circulation must be designed so that access to the site is from a major street or from a local street which is not an internal residential neighborhood street and which does not provide access to residentially zoned areas unless no alternative exists.

3. The following special exception uses in the I-2 zone must be at least 300 feet from any non-industrial zone. Exception: the 300-foot setback is not required when the use of the non-industrially zoned property is a railroad or freeway right-of-way:

f. Salvaging and Recycling.

4. Use must comply with the applicable standards of Section 4.9.5, *Industrial Use Group*.

5. The airport authority land use class may contain residential, commercial, and industrial land uses compatible with the airport environs overlay. These uses include but are not limited to typical airport uses such as terminals, runways, control towers, radio and telecommunication towers, fueling and maintenance stations, helipads, hangars, parking facilities, various military and governmental uses and passenger-oriented food and personal services, retail sales, and vehicle rentals. Additionally, the land use class allows the following uses:

b. Permitted or special exception uses in the underlying zone;

Staff finds the proposal to be in compliance with all applicable *UDC* Use-Specific Standards.

**Conclusion** – The proposal is in compliance with the performance criteria for a salvaging and recycling use. The request is consistent with policy direction in *Plan Tucson* and the *Rincon-Southeast Sub-Regional Plan* which support development designed to be compatible with and sensitive to surrounding land uses. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

## Preliminary Conditions

PROCEDURAL

1. A development package, in substantial compliance with the preliminary development package and required reports dated August 16, 2019, is 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". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

A copy of the archaeological assessment and survey report must be provided to the Entitlements Section at Planning & Development Services prior to scheduling the item for ordinance adoption.

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.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for any required or proposed perimeter walls.

Preliminary Conditions

TUCSON AIRPORT AUTHORITY NOTICE

8. According to the FAA Notice Criteria Tool, this project is located in proximity to a navigation facility and could impact navigation signal reception. The applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes used which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Documentation of compliance with this condition must be provided to the Planning & Development Services Entitlements Division prior to scheduling the case for ordinance adoption.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT - MAYOR AND COUNCIL  
SPECIAL EXCEPTION PROCEDURE

This agreement ("**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case SE-19-18 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et seq.

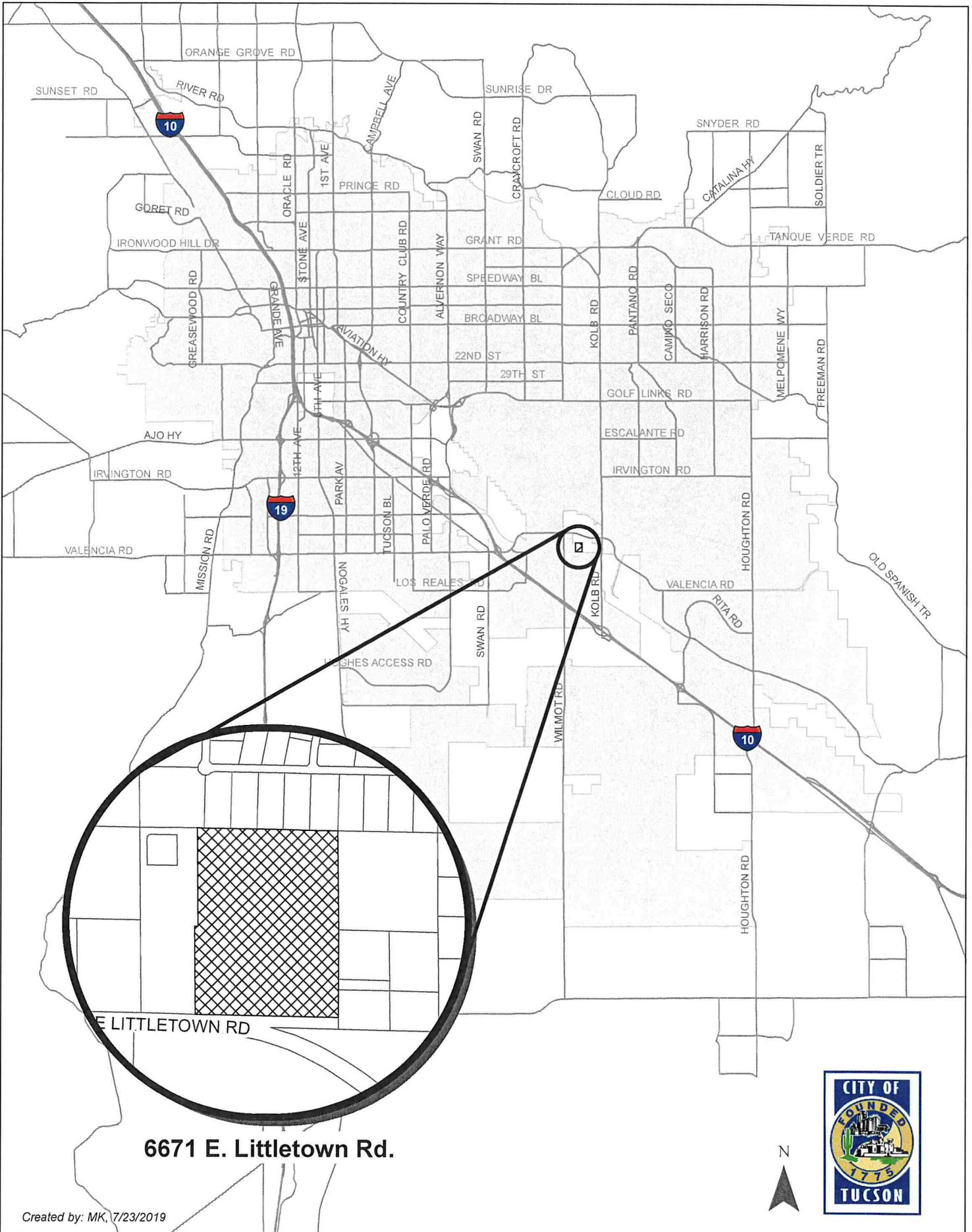
By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of Special Exception Land Use in Case SE-19-18.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

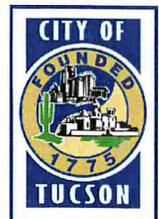
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.



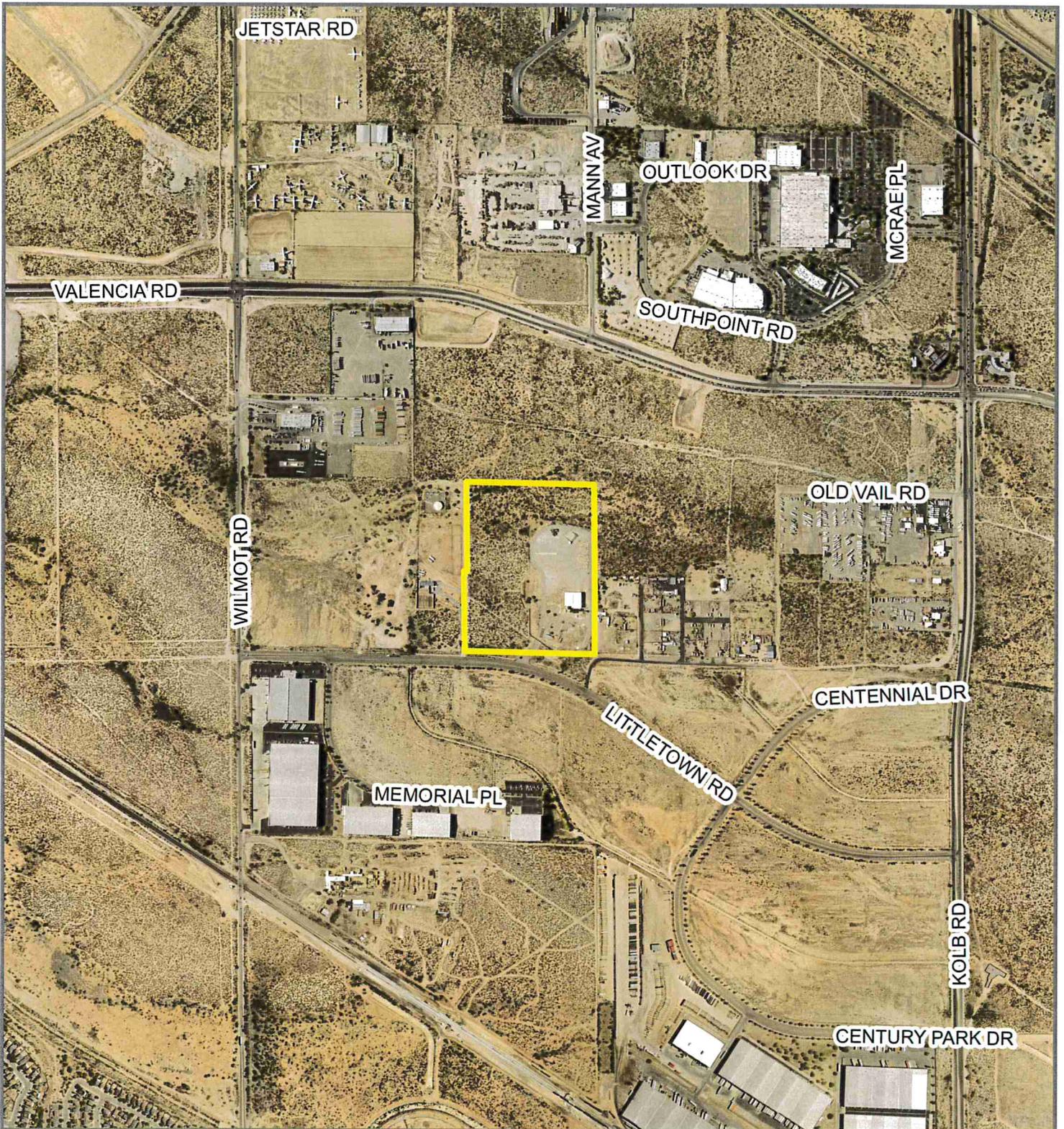
SE-19-18  
Arizona Auto Parts - Littletown Road



6671 E. Littletown Rd.



SE-19-18  
Arizona Auto Parts - Littletown Road



 Area of Special Exception Request

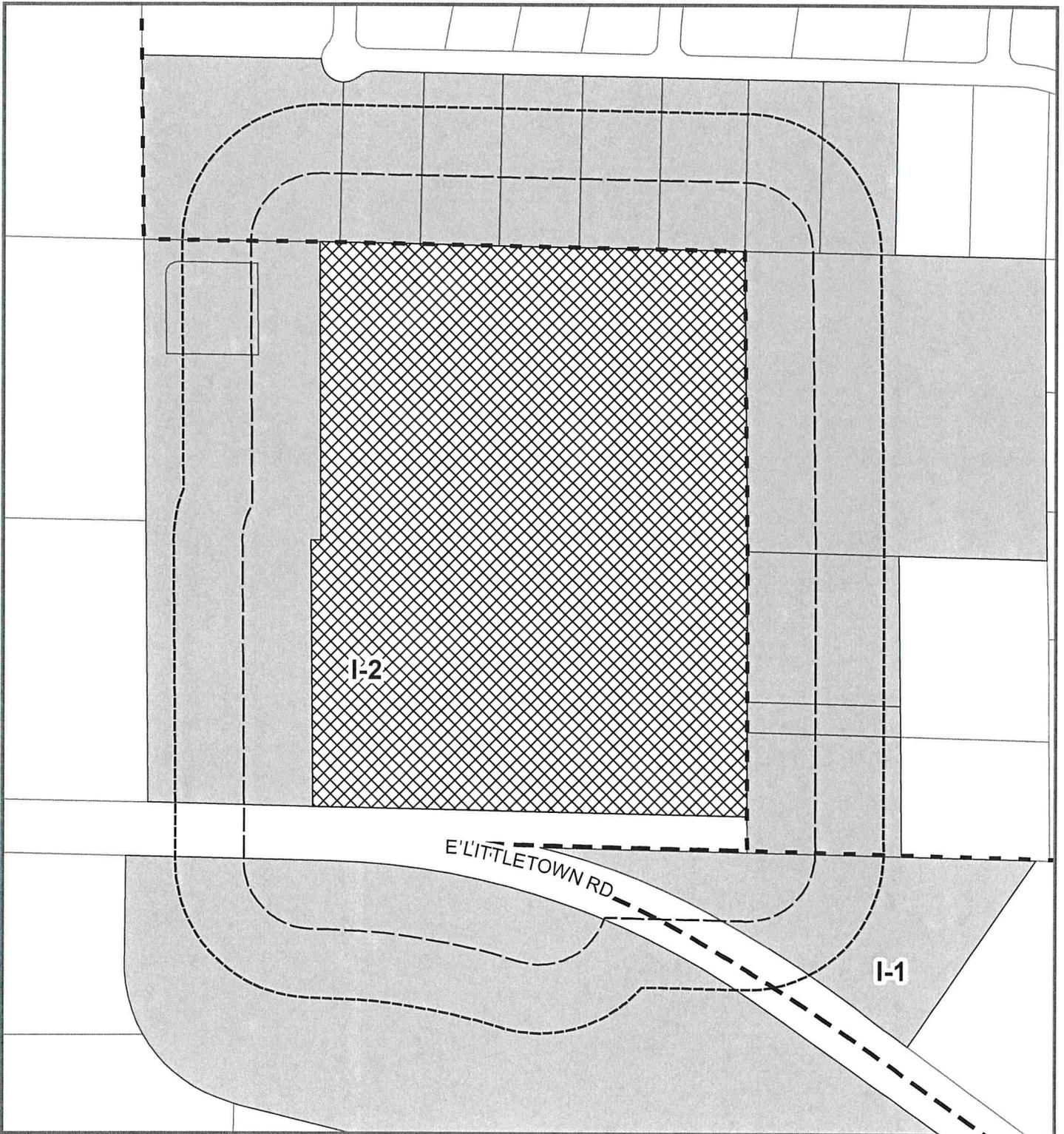
Address: 6671 E. Littletown Rd.  
Base Maps: Twp.15S Range 15E Sec.7  
Ward: 4

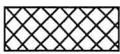
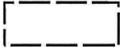


0 500 1,000 Feet  
1 inch = 1,000 feet

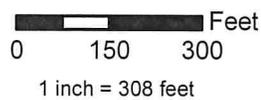


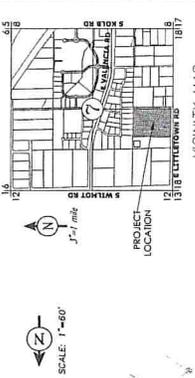
SE-19-18  
Arizona Auto Parts - Littletown Road



-  Area of Special Exception Request
-  Notification Area (300 foot radius)
-  Protest Area (150 foot radius)
-  Zone Boundaries
-  Properties Notified

Address: 6671 E. Littletown Rd.  
Base Maps: Twp.15S Range 15E Sec.7  
Ward: 4





**VICINITY MAP**  
 A PORTION OF THE SOUTHEAST 1/4 OF THE  
 SOUTHWEST 1/4 OF SECTION 7,  
 TOWNSHIP 15 SOUTH, RANGE 15 EAST OF  
 CITY OF TUCSON, PIMA COUNTY, ARIZONA

**NOTE:**  
 THE REQUIRED PARKING SPACES MAY BE REDUCED  
 IF THE CITY ENGINEER APPROVES THE  
 LOT SPOT THAT EFFECTIVELY REMOVES THE  
 FLOODPLAIN FROM THE TOTAL LOT AREA.

- KEYNOTES - FOR THIS SHEET ONLY**
- 1. PROPOSED 18'x30' PARKING SPACE (PAVEMENT)
  - 2. PROPOSED 1 CAR PICK AND PULL STORAGE SPACE (GRAVEL)
  - 3. PROPOSED 24' DRIVE ASBLE (PAVEMENT)
  - 4. PROPOSED 30' DRIVE ASBLE (PAVEMENT)
  - 5. PROPOSED FENCE
  - 6. PROPOSED GATE
  - 7. PROPOSED 20' DRIVE ASBLE (PAVEMENT)
  - 8. PROPOSED DETENTION/RETENTION BASIN

**PHASE I PARKING CALCULATIONS**  
 LOT AREA = 1,175,684.40 SF (26.99 acres)  
 EXISTING BUILDING = 13,000 SF  
 + 5000 SF (RETAIL)

**PARKING REQUIRED**  
 LOT AREA = 1 PER/5000 SF  
 RETAIL = 1 PER/200 SF

1,175,684.40/5000 = 236  
 5,000/200 = 17  
**TOTAL PHASE I REQUIRED = 253 SPACES**  
**TOTAL PHASE I PROVIDED = 253 SPACES**

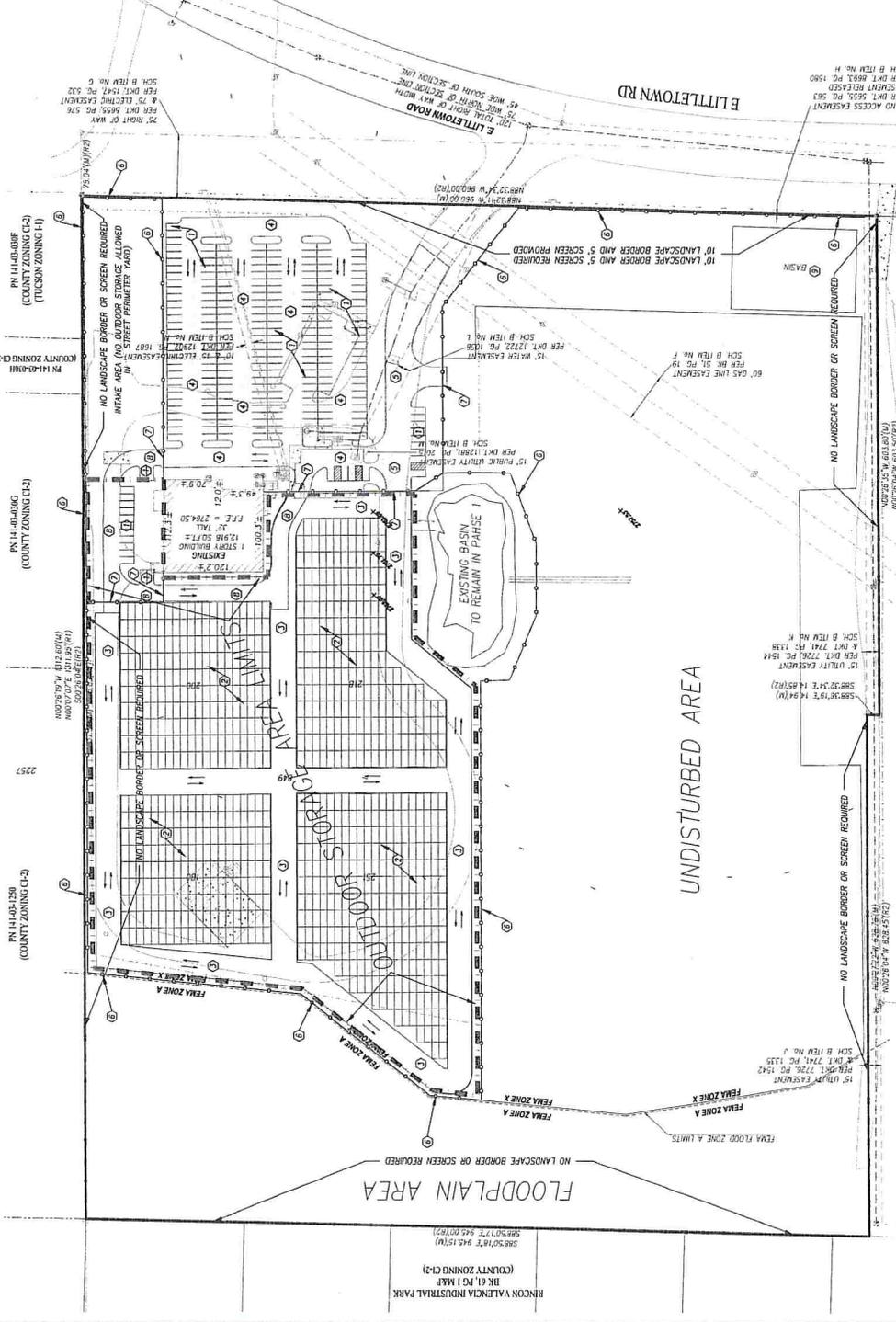
**TOTAL PHASE I OUTDOOR PICK AND PULL STORAGE SPOTS - 849**

PROPOSED BUILDING C.O.T. ADMIN. ADDRESS  
 6671 E LITTLETON RD  
 TUCSON, AZ 85756

**PRELIMINARY SITE PLAN FOR**  
**ARIZONA AUTO PARTS**  
 PHASE I IMPROVEMENT PLAN



A PORTION OF THE SE 1/4  
 OF THE SW 1/4 OF SECTION 7,  
 TOWNSHIP 15 SOUTH, RANGE 15 EAST OF  
 CITY OF TUCSON, PIMA COUNTY, AZ  
 PERRY ENG. JOB NUMBER: 19032 1 of 2



**Special Exception**  
**Preliminary Development Plan**  
**S.E. - 19-18 Date 8/16/19**  
**Planning & Development Services**

**PERRY**  
 ENGINEERING  
 500 N. GILBERT  
 TUCSON, AZ 85710  
 520-530-8970  
 PER@PERRYENGINEERING.COM  
 1-800-792-5348

NO.	DATE	REVISION	BY	APPR.

**SHEET INDEX**  
 PHASE I IMPROVEMENT PLAN AND VICINITY MAP  
 SHEET 1 ..... TOTAL BUILD-OUT IMPROVEMENT PLAN, ZONING NOTES  
 SHEET 2 ..... TOTAL BUILD-OUT IMPROVEMENT PLAN, ZONING NOTES



## Special Exception 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 and 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.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: SE-19-18 Arizona Auto Parts – Littletown Road Ward # 4**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- APPROVE the proposed special exception.  
 PROTEST the proposed special exception.

**Reason:**

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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 and Development Services Department**  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

SE-19-18

Expose this flap - Affix stamp and return

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

SE-19-18  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED