



MEMORANDUM

DATE: December 4, 2019
For December 19, 2019 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark, Director
Planning & Development
Services Department

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT
SERVICES REPORT
SE-19-22 Christian Family Care Thrift Store, C-1 Zone (Ward 2)

Issue – This is a request by Kristi Wilbur, on behalf of the lessee, Christian Family Care Agency, Inc., to allow a household goods donation center as a special exception land use in the C-1 zone Zoning Examiner Special Exception Procedure per the Unified Development Code (UDC) Section 3.4.3. The special exception site is located on the north side of E. Speedway Boulevard; approximately 1,600 feet west of Pantano Road (see Case Location Map). The preliminary development plan proposes 6,400 square foot thrift store including the household goods donation center, inside an existing building, in an existing commercial center, on 3.08 acres.

Planning and Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested special exception land use, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacant Commercial

Surrounding Zones and Land Uses:

North: Zoned R-2; Single-family Detached Dwellings

South: Zoned O-3 and C-1; Condominiums and Apartments (across Speedway)

East: Zoned RX-1; Church Campus

West: Zoned RX-1; City of Tucson Property

Previous Cases on the Property: C9-77-55 established the C-1 zoning.

Related Cases: Zoning Examiner Special Exception approvals for household goods donation centers in C-1 zone:

SE-11-01 6842 E. Tanque Verde Road: Goodwill

SE-14-74 8360 E. Broadway Boulevard: Goodwill

Applicant's Request – Establish a household goods donation center to serve the proposed thrift store in the same location.

Planning Considerations

Land use policy for this site is provided by *Plan Tucson* and the *Pantano East Area Plan (PEAP)*. *Plan Tucson* contains a variety of elements that are categories in four focus areas, including the Social Environment, the Economic Environment, the Natural Environment, and the Built Environment. Each focus area contains specific goals and each element contains specific policies.

The Future Growth Scenario Map illustrates different building blocks within the city that have specific policies to promote future growth opportunities. The proposed development lies within the Existing Neighborhoods building block of the Future Growth Scenario Map.

LT28.2.5 Support neighborhood commercial uses located at the intersections of arterial streets, arterial and collector streets, or collector street intersections. LT28.2.14 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill, and appropriate nonresidential uses.

The goal of the *PEAP* is to provide land use policy direction and design guidelines for development within the *Plan* boundaries. Commercial Land Use Policies are to ensure the compatibility of new development with existing development and to promote a variety of commercial opportunities in the area. The sub-goal is to provide for the commercial needs of the area. Policy 1 promotes commercial developments in appropriate locations in the area, specifically locating commercial uses at the intersection of major streets, where commercial zoning already exists.

The applicant is proposing for a Zoning Examiner Special Exception use to allow a household good donation center use on a 3.08 acre parcel, zoned C-1, and currently vacant retail and office space in a commercial strip center. Both *Plan Tucson* and the *PEAP* support commercial along arterial streets that are appropriate in scale and design. The proposed project is located along Speedway Boulevard, an arterial street per Major Streets and Routes (MS&R), and is a retail and household good donation center and total floor area of 6,400 SF. The proposed project is adjacent to R-2 North. Other existing adjacent land uses include a mix of commercial and office uses located within the commercial strip center.

The site plan submitted shows an existing commercial strip center with on-site parking and circulation. An aerial taken in 2019 shows parking in back and a masonry wall with rear entry gates, which buffers and screens the residential uses located north. Staff concludes that the proposed use is consistent with both *Plan Tucson* and the *PEAP*, subject to the proposed conditions, and a plan amendment is not required.

The subject site is rectangular in shape in an east-west orientation. It fronts onto Speedway Boulevard with two existing vehicular access points. Access to the site exists from two points each on Fremming Avenue on the west and N. Grady Avenue on the east. Speedway Boulevard is identified as an arterial roadway with a built-out right-of-way of 150 feet on the *Major Streets and Routes Plan* map. Fremming and Grady Avenues are local streets. Four trash dumpsters are located along the north side of the center. The Samprese Estates Subdivision lies immediately north of the subject property. The two are separated by an existing six-foot tall wall. Both the subject site and the subdivision were rezoned in 1977. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – 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, and 4.9.13.O. The Use-specific Standards establish the design compatibility for the proposed use. Following each standard, in *Italics*, are the applicant’s responses. Staff comments are included as if staff is recommending a change from the applicant’s proposal or Security Management Plan, or providing additional information.

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. *Donations are received into the store through the rear doors. Sorting, sales, storage and recycling all take place from within the enclosed building. Disposal of items takes place within a recycling and garbage receptacle behind the store.*

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. *There is presently a six foot perimeter screen wall that extends east to west on the north side of the site buffering the residential zone located to the north.*

Staff Comment: Approximately 45 feet separate the rear of the existing structure and the wall. The area includes a row of parking along the wall as well as the parking area access lane (PAAL) that connects to the access points on Fremming and Grady, and provides access to the front of the building. The area also includes the four dumpsters for the center. The residents of the dwellings immediately north of the site have gates directly into this area. This area is currently a potentially relatively high traffic and activity area. The drop-off use will add to the activity, but will not appreciatively add to noise. Drop-offs typically are made with passenger vehicles and take only minutes to complete. Drop-offs will occur during regular business hours where activity, not associated with the proposed use, may also take place between the building and the residence.

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. *As stated in our Security Management Plan, the store is staffed by at least two (2) attendants during our hours of operation (currently 9:30am – 4:30pm, Monday through Saturday).*

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. *Christian Family Care Thrift Store’s hours of operation are 9:30am to 4:30pm 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. *Existing lighting on site is in compliance with City lighting standards as it pertains to adjoining R-2 zoning to the north.*

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. *All operations and use are located within an enclosed building. There are no openings on the side of the building adjacent to R-3 or more restrictive zoning.*

Staff Comment: The doors providing access to the drop off area exist on the north side of the building, which is oriented toward R-2 residential zoning. However, in practice of the determination the meaning of an “opening” is based upon UDC 4.9.4.H.4. which states the doors must be, “...closed by fixed walls...” which has been interpreted by the Zoning Administrator to mean overhead doors are not permitted but fire exit doors are. The doors on the north side of the building are fire exit doors. This Code section is used because it applies to the same circumstances contained elsewhere in the Code, but is the only location that provides any guidance to “openings”.

UDC 4.9.13.O C-1 Commercial Zone – Commercial Restrictions

All use and development at the center is in compliance with these restrictions.

Staff Comment: The conditions restrict drive-throughs and outdoor activity which have been successfully addressed by the applicant in the responses to UDC 4.9.5.G.2 and 4.9.5.G.11, respectively. Staff’s determination is that the proposal is in substantial compliance with the UDC Use-Specific Standards for the requested SELU.

Drainage/Grading/Vegetation – All existing drainage, grading and landscaping is acceptable and no changes are required.

Road Improvements/Vehicular Access/Circulation – All existing access points will remain and no improvements are required.

Conclusion – The proposal is in substantial compliance with the policies of *Plan Tucson*, the *Pantano East Area Plan* and the Use-specific Standards of the Unified Development Code. Subject to compliance with the attached preliminary conditions, approval of the requested household goods donation center is appropriate.

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. *Signs will be posted indicating the designated drop-off location, hours of operation, as well as statements that donors should not leave donations outside of business hours. In the event donors fail to abide by timing and placement restrictions, Christian Family Care Thrift Store shall clean up the donations and refuse left outside the premises by 10:00am or sooner.*

Staff Comment: A condition is recommended that will require the clean-up to occur every morning, including Sundays and holidays when the facility is closed. This condition is predicated on the proximity of the donation area to the adjacent residences. The Security Management Plan was revised on December 2, 2019 to reflect this condition and to require clean up by 9:30 AM.

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. *Please see the Christian Family Care Thrift Store 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. *Signs will be posted stating the designated drop-off location, hours of operation and that donors should not leave donations outside of business hours. In the event donors fail to abide by timing and placement restrictions, Christian Family Care Thrift Store shall clean up the donations and refuse left outside the premises by 10:00am or sooner.*

UDC 4.9.5.G.11 One (1) drive-through service lane may be provided for customer drop-off of donated items. *We do not intend to have a drive-through service lane for drop-off of donated items. Donors will park behind the store (at back door) to deliver donated goods to the donation center.*

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. *Christian Family Care Thrift Store will be located on Speedway Boulevard. Access to the center is available directly off of this major street by way of two (2) separate, existing driveways to the shopping center parking lot. In addition, there are three (3) alternate access driveways to center by way of Grady Avenue and Fremming Avenue, which feed off of Speedway Boulevard.*

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*. *Access is available from Speedway Boulevard, an arterial street, to the south.*

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package dated October 21, 2019, 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. 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

4. Six (6) inch wide fence block or greater shall be used for any walls constructed as part of this special exception.
5. Operation of the household goods donation center shall be subject to the provisions of the Security Management Plan dated October 21, 2019 (Security Plan).
6. 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 9:30 a.m., including Sundays and holidays when the facility is closed. The Security Management Plan, dated December 2, 2019 reflects this condition.
7. There shall be no overnight parking of commercial vehicles.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

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 _____ 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 the Special Exception Land Use in Case _____.

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.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20__.

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

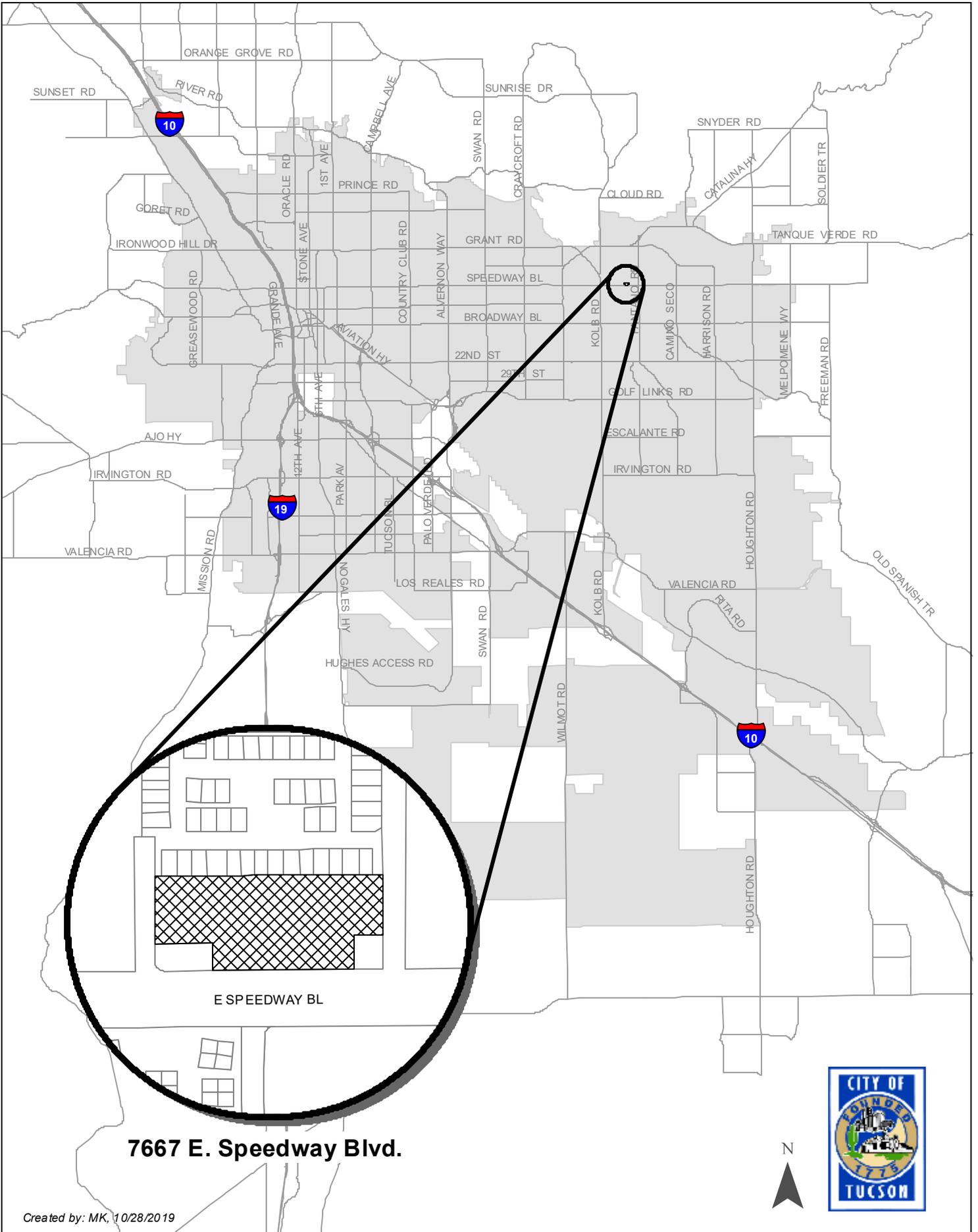
City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

SE-19-22

Christian Family Care Thrift Store - Speedway Blvd.



7667 E. Speedway Blvd.

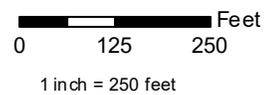
SE-19-22

Christian Family Care Thrift Store - Speedway Blvd.



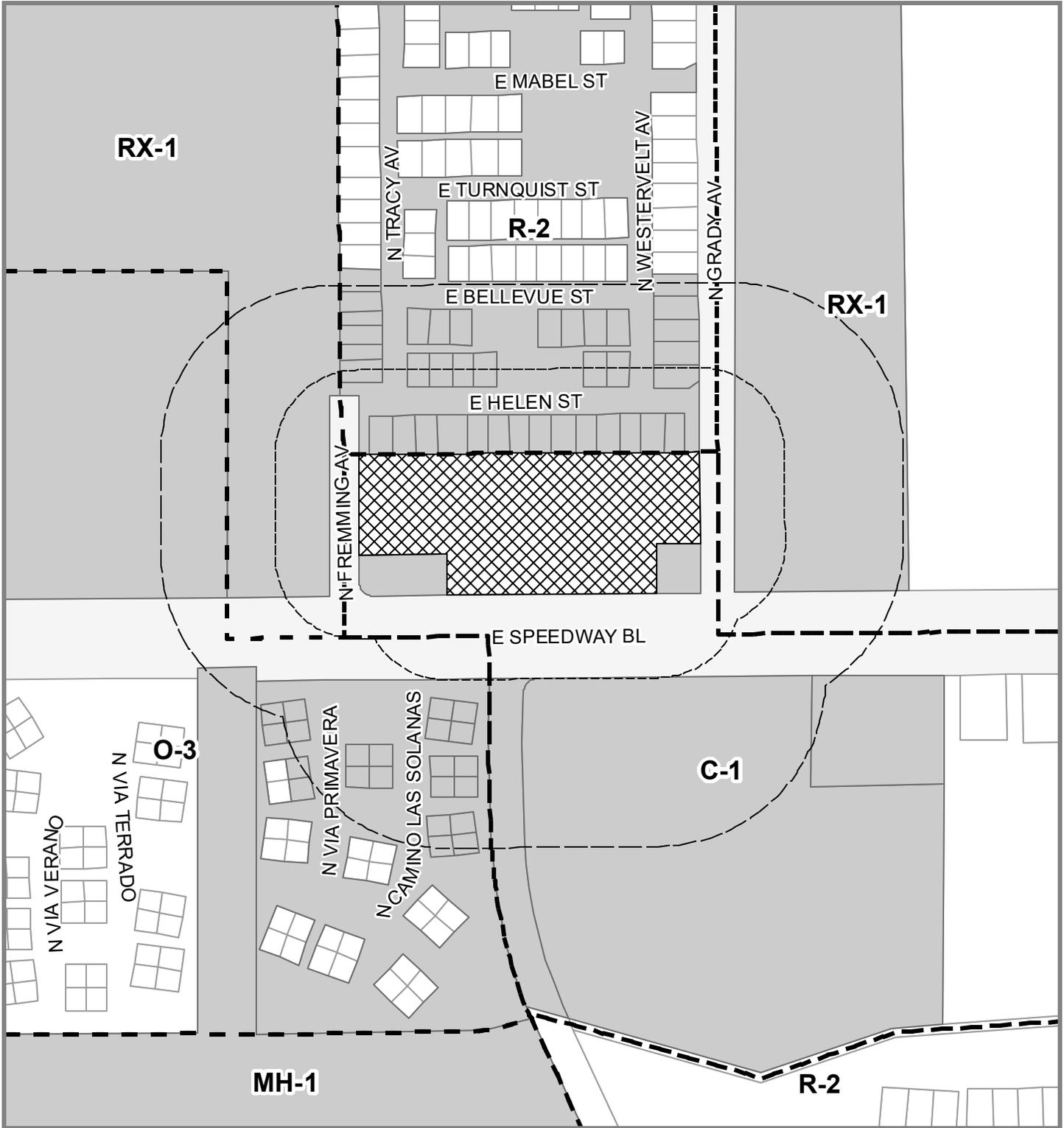
 Area of Special Exception Request

Address: 7667 E. Speedway Blvd.
Base Maps: Twp. 14S Range 15E Sec. 5
Ward: 2



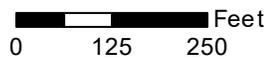
SE-19-22

Christian Family Care Thrift Store - Speedway Blvd.



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

Address: 7667 E. Speedway Blvd.
Base Maps: Twp.14S Range 15E Sec.5
Ward: 2



1 inch = 250 feet



PUBLIC FACILITIES AND SERVICES REPORT FOR December 19, 2019
(as of November 20, 2019)

SE-19-22 Christian Family Care Thrift Store, C-1 Zone

CITY AGENCIES: No Objections Noted

Environmental Services
PDSB – Engineering
PDSB – Historic Preservation Officer
PDSB – Landscape
PDSB – Sign Code
PDSB – Zoning Review
TDOT – Engineering
TDOT – Traffic Engineering
Tucson Parks and Recreation
Tucson Police Department
Tucson Fire Department
Tucson Water Department

Objections or Conditions Noted

None

NON-CITY AGENCIES: No Objections Noted

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

Objections or Conditions Noted

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, December 4, 2019 at <https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>

Place
Stamp
Here

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

SE-19-22 MW

Expose this flap - Affix stamp and return



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

SE-19-22 MW
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED



Special Exception
Preliminary Development Plan
S.E. -19-22 Date 10/21/19
Planning & Development Services

SITE PLAN INFORMATION

PARCEL: 133-13-006N
 LEGAL DESCRIPTION: PTN S250' W603.57' E633.57'
 SW4 SE4 LYG N & ADJ SPEEDWAY BLVD 3.02 AC
 SEC 5-14-15
 TOTAL AREA OF SITE: 3.08 ACRES OR 134,041 SF
 EXISTING ZONING: C-1
 PROPOSED ZONING: C-1

PROPERTY OWNER'S REPRESENTATIVE

ROMANO REAL ESTATE CORPORATION
 3900 E. VIA PALOMITA, TUCSON, AZ 85718
 (520)577-1000

APPLICANT

KRISTI WILBUR
 CHRISTIAN FAMILY CARE
 1066 S. PANTANO RD., TUCSON, AZ 85710
 (520)296-8398

SITE PLAN KEYNOTES

1. EXISTING REAR ACCESS DOORS TO PROJECT.
2. EXISTING MONUMENT SIGN
3. EXISTING WASTE COLLECTION
4. EXISTING SPEED BUMP, TYP.

PARCEL: 133-13-006N

7667 E. SPEEDWAY BLVD., TUCSON, AZ 85710



ARCHITECTS
 6418 E. TANQUE VERDE RD
 TUCSON, AZ 85716
 P 520.546.6687
 F 520.546.4777
 GEORGE.LANCE@L2ARCHITECT.COM
 WWW.L2ARCHITECT.COM

A1

SITE PLAN
SCALE 1:40

CHRISTIAN FAMILY CARE THRIFT STORE

PROJECT: #19.021 ADDRESS: 7667 E. SPEEDWAY BLVD., TUCSON, AZ 85710

DATE: 08.27.2019 APPROVED BY:

NOT FOR CONSTRUCTION

DESIGN DIMENSIONS SHOWN ARE APPROXIMATE, FINAL BUILT DIMENSIONS MAY VARY FROM DESIGN DIMENSIONS SHOWN COPYRIGHT © 2019 BY L2 ARCHITECTS

