



# MEMORANDUM

TO: Linus Kafka  
Zoning Examiner

DATE: November 1, 2013  
For November 21, 2013 Hearing

FROM: Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: SPECIAL EXCEPTION LAND USE  
ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE  
PLANNING & DEVELOPMENT SERVICES REPORT  
SE-13-96 Family Attic – Pantano Road, C-1 Zone (Ward 2)

**Issue** – This is a request by Kristy Wilbur, manager of Family Attic Thrift Store, on behalf of the owner, Jackson And Company, for a Special Exception Land Use to allow the expansion of a retail store and household goods donation center in the C-1 zone. The special exception site is located approximately 200 feet west of Pantano Road and 500 feet north of 22nd Street (see Case Location Map) and is part of a multi-tenant commercial shopping center. The preliminary development plan indicates that the use has expanded twice from its original floor area of 2,456 square feet to its existing floor area of 3,800 square feet.

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.

**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:** Household goods donation center within an existing strip commercial center.

### **Surrounding Zones and Land Uses:**

North: Zoned C-1, R-2 and O-3; Commercial and multi-family Residential  
South: Zoned C-1; Vacant gas station  
East: Zoned C-1; Medical office complex and U.S. Post Office  
West: Zoned RX-1; Pantano River Park

**Previous Cases on the Property:** None

Related Cases:

SE-12-72 Goodwill Industries – 22<sup>nd</sup> Street, C-1 Zone This was a request for 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 22<sup>nd</sup> Street and Wilmot Road. The Zoning Examiner approved the special exception land use on September 20, 2012.

SE-09-72 Goodwill Industries – Irvington Road, C-1 Zone This was a Full Notice Procedure special exception request for a Goodwill retail store and household goods donation center, 20,000 square feet in size, within a 7.5-acre commercial shopping center located on the southwest corner of Irvington Road and Campbell Avenue. The Zoning Examiner approved the request on March 18, 2010.

SE-09-16 Goodwill – 22<sup>nd</sup> Street, C-2 Zone – This was a Limited Notice Procedure special exception request for a Goodwill retail store and household goods donation center, 15,268 square feet in size, on a 17.35 acre site within a commercial shopping center located on the south side of 22<sup>nd</sup> Street approximately 1,200 feet east of Alvernon Way. The Planning and Development Services Department approved the request on August 4, 2009.

**Applicant’s Request** – The applicant requests a Special Exception Land Use to allow previous expansions of a household goods donation center into existing tenant spaces in the C-1 zone.

**Planning Considerations**

Policy direction is provided by the *Pantano East Area Plan (PEAP)* and the *General Plan*. The *PEAP* supports commercial developments in appropriate areas along major streets and discourages the extension of strip commercial as a pattern of development. Commercial uses should be designed with sensitivity to existing residential areas.

*General Plan* Land Use policies support the protection of established residential neighborhoods by supporting compatible development, which may include appropriate nonresidential uses, where the scale and intensity of those uses will be compatible with adjacent residences. Policies encourage the redevelopment and/or expansion of current strip commercial development that will improve traffic flow, pedestrian mobility and safety, and streetscape quality, stabilize and enhance the transition edge when adjacent to residential uses, and screen and buffer adjacent residential properties. Policies encourage limited duration of activities that generate excessive noise, light or traffic by limiting hours of operation for such activities where possible.

The Pima Association of Governments–Transportation Planning Division (PAG-TPD) states that allowing the existing store and household goods donation center to remain will not generate additional daily trips. The *ITE Trip General Manual* does not have a "household goods donation center" category and the most similar use PAG could find is a "specialty retail center". If the

specialty retail use is applied to the proposal, daily trips generated would be approximately 200. Field inspection by staff indicates there are currently no billboards on the special exception site.

### **Design Considerations**

Land Use Compatibility – The household goods donation center is located within an existing strip center, zoned C-1, Neighborhood Commercial. The property to the south is zoned C-1, and is currently the site of a vacant gas station. Properties to the east across Pantano Road are zoned C-1 and developed with a medical office complex and a United States Post Office center. To the west is the Pantano River Park, zoned RX-1. The property immediately to the north is zoned C-1, developed with a single commercial building, and farther to the north is a multi-family complex, zoned R-2 and O-3. The nearest residential units are in this multi-family development and are located approximately 300 feet to the north of the special exception site.

The existing strip commercial development meets *Plan* policy direction to be compatible in size, scale, and mass with adjacent uses, and provides support services for the residential neighborhood. The Design Compatibility Report addressed the Code requirements for the Special Exception Land Use. The Security Management Plan, submitted as part of the application, has been reviewed by staff, and is acceptable. Any outdoor lighting should be shielded and directed away from residential properties to the north and mounted on the building, at a height not to exceed that of the building.

The building shares on-site trash dumpster and a loading zone with the larger commercial complex. The dumpsters are placed within designated parking spaces to the north of the building, and need to be within an enclosed trash bin area that does not conflict with required vehicle parking and maneuvering areas. In addition, the dumpsters and loading zones should be screened with walls and landscaping and located a minimum of 50 feet from the north and west property lines.

Approval of the Special Exception would allow this use to remain in the C-1 zone but will not allow any outdoor activities such as outdoor sorting or storage of donated goods. Hours of operation for drop off and pickup of donated goods should be limited to between 8:00 a.m. and 5:00 p.m. Monday through Saturday, and commercial vehicles should not be parked overnight along the north or west sides of the building. To be consistent with plan policies that promote visual character, staff recommends that any exterior changes to the site be consistent with the overall development plan and any changes or additions to exterior mechanical equipment be screened from view from the surrounding land uses and roadways.

Drainage/Grading/Vegetation – An existing oleander hedge extends along portions of the north property line but it is sparse and, at approximately 3 feet in height, does not adequately screen the commercial center from residential properties to the north. Staff recommends that this hedge be irrigated, maintained and allowed to grow to a height of 6 feet to provide additional screening and buffering along the northwest edge of the site.

Road Improvements/Vehicular Access/Circulation – Vehicular access is from Pantano Road, which is east of the special exception site. Approximately 500 feet south of the site is 22<sup>nd</sup> Street. Both of these streets are designated on the *Major Streets and Routes Plan* as arterials with 150-foot future right-of-way widths.

### Use-Specific Standards

Below are the Use-Specific Standards for “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 Household Goods Donation Center.

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

*Comment: Donations are received into the store through either the front or 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 dumpster 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.

*Comment: There is presently a screen wall that extends behind the entire portion of the strip center building where we are located. This wall and landscaping is to the north of the building, located between us and Five Star Pest Control, and further extends to buffer the residential street located to our north.*

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

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

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: A Security Management Plan has been prepared and is included in the Special Exception Application packet for approval.*

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

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

*Comment: We do not and will not have a drive-through service lane for drop-off of donated items. Our donors carry items through the front door or park north of the store (at back door) to bring items into 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.

*Comment: The Family Attic Thrift Store is located on the northwest corner of 22<sup>nd</sup> Street and Pantano Road. Access to the center is available from both of these major streets by way of 4 separate points of access to shopping center parking lot.*

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: Access is available from both Pantano Road to the east and 22<sup>nd</sup> Street to the south*

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: Family Attic's hours of operation are 9:30 am to 4:30 pm, Monday thru 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 existing and there are no new proposed lighting fixtures. The existing lighting is shielded and complies with City Codes, including 2005 NEC, Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code – based on field observations.*

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 and uses 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 proposal is in substantial compliance with the UDC Use-Specific Standards for the requested Special Exception Land Use.*

**Conclusion** – The proposed donation center will make use of an existing structure and is in compliance with the *Pantano East Area Plan* and the *General Plan*. 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 requested household goods donation center is appropriate.

## Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package dated September 3, 2013, 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.

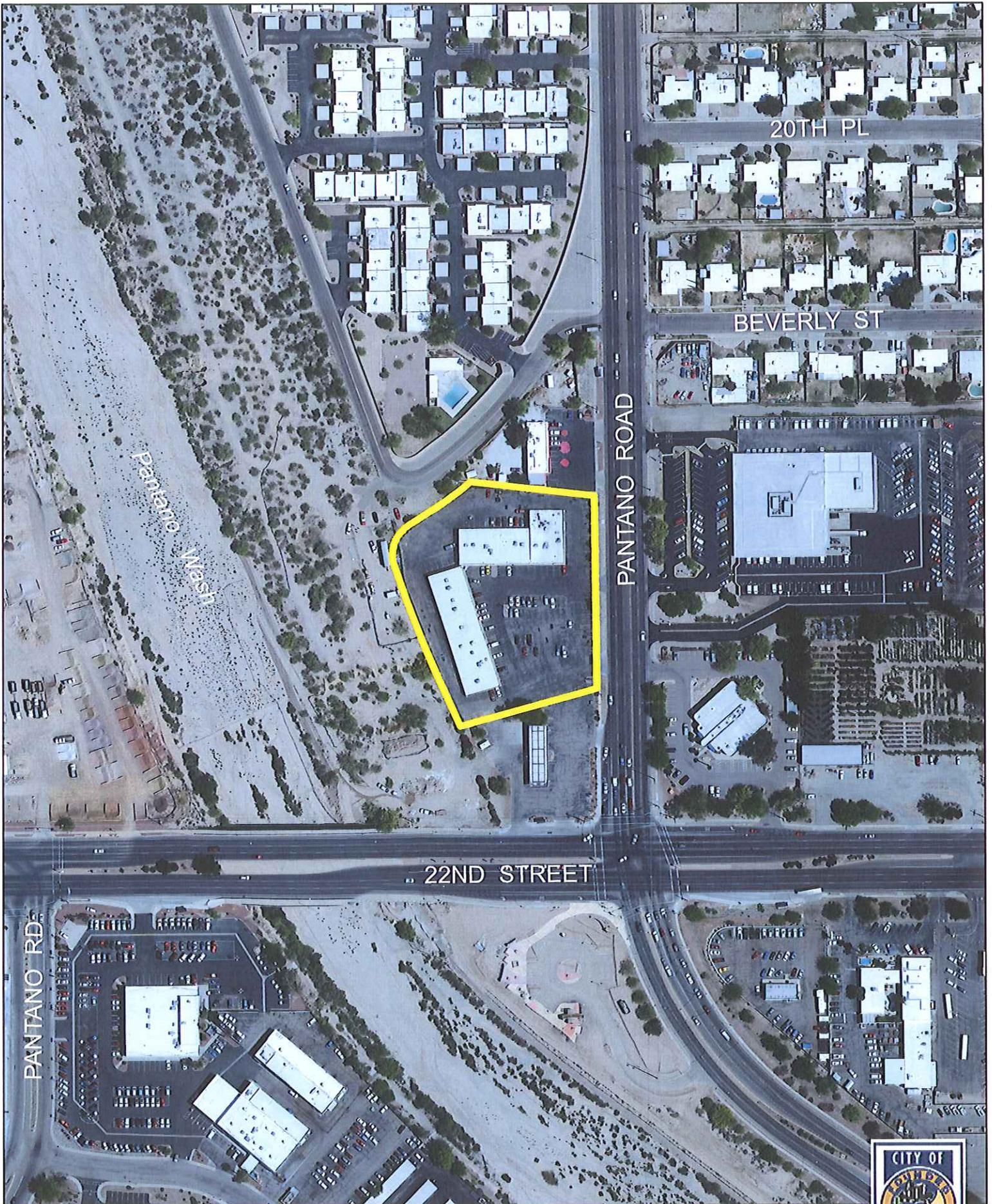
LAND USE COMPATIBILITY

7. Location of trash refuse container(s) and commercial loading zones (if required) shall be shown on site plan prior to Tenant Improvements or Zoning Compliance Certificate approval and located a minimum distance of fifty (50) feet from any residentially zoned or used property. Containers shall be screened with masonry walls and enhanced landscaping to screen the containers.
8. 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.
9. Six (6) inch wide fence block or greater shall be used for perimeter screen walls.

Preliminary Conditions

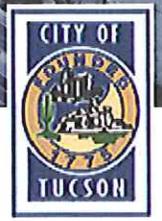
10. Operation of the household goods donation center shall be subject to the provisions of the Security Management Plan, date stamped September 3, 2013.
11. Hours of operation for drop-off and pick-up of donated items shall be limited to between 8:00 a.m and 5:00 p.m, Monday through Saturday.
12. There shall be no overnight parking of commercial vehicles along the north and west sides of the building.
13. All store operations shall be conducted within an enclosed building. There shall be no outdoor open storage of donated goods, unwanted donations, or large amounts of trash/waste.
14. Any new mechanical equipment shall be screened from view from surrounding streets and properties.
15. Any new outdoor lighting shall be located on the building, be shielded and directed away from adjacent residential neighborhood located to the north. Light elements shall be placed at a height not to exceed the height of the building.



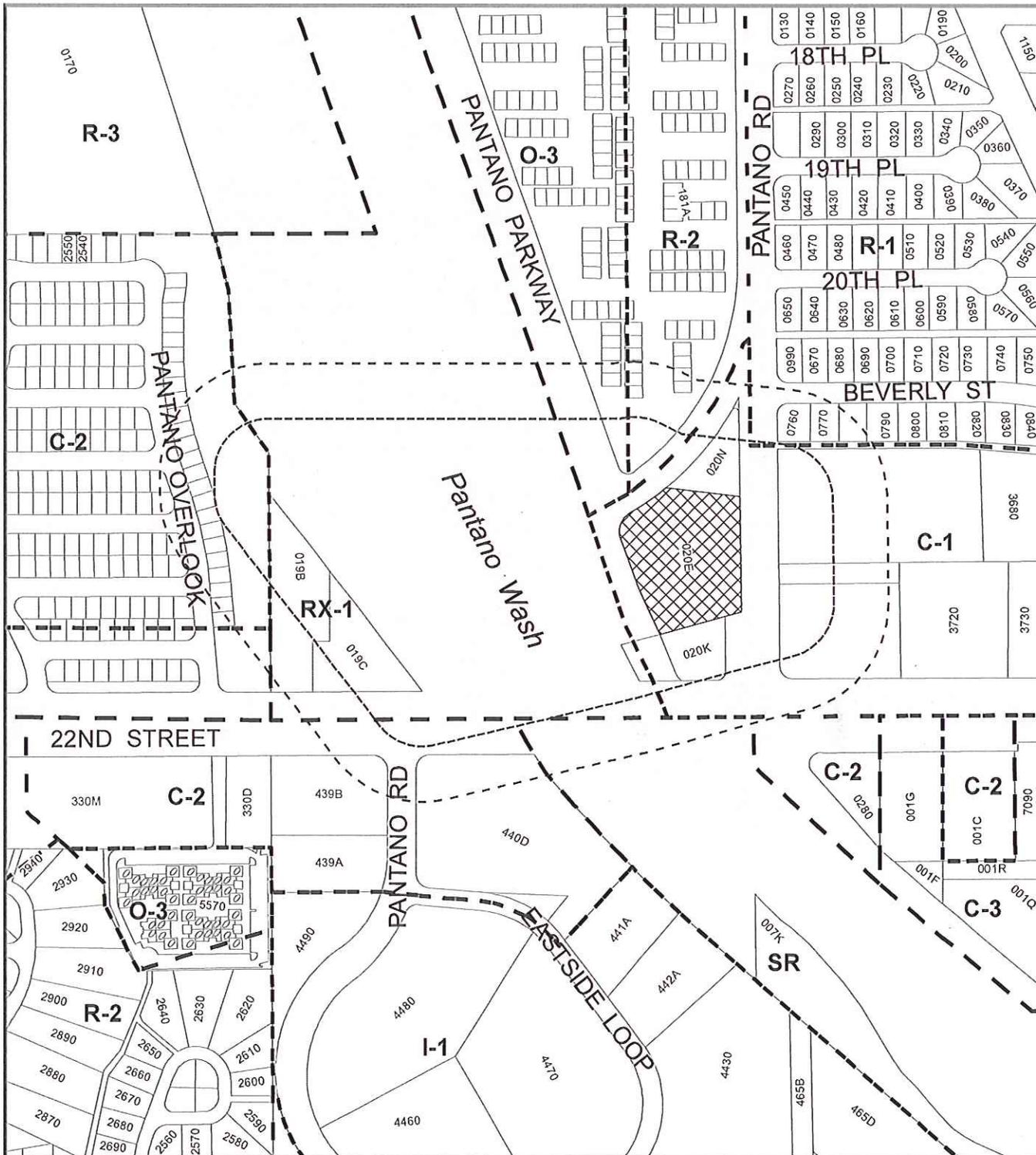


SE-13-96 Family Attic - Pantano Road  
2010 Aerial

0 50 100 200 Feet  
1 inch = 200 feet



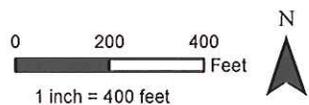
# SE-13-96 Family Attic - Pantano Road Z.E. Special Exception



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



Address: 1060 S. Pantano Road  
 Base Maps: Sec.17 T.14 R.15  
 Ward: 2



**PUBLIC FACILITIES AND SERVICES REPORT FOR November 21, 2013**  
(as of October 25, 2013)

**SE-13-96 Family Attic – Pantano Road, C-1 Zone**

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 09/20/13.  
**Planning & Development Services – Engineering:** See attached comments dated 09/23/13.  
**Planning & Development Services – Community Design:** See attached comments dated 10/01/13.

**No Objections Noted**

**Transportation – Engineering**  
**Transportation – Traffic Engineering**  
**Office of Conservation & Sustainable Development**  
**Planning & Development Services – Sign Code**  
**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:** Given that this is an existing use, no new daily trips will be generated. Estimated daily trips for the existing use is approximately 200.

**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 1, 2013 at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](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-13-96**

Expose this flap - Affix stamp and return

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

**SE-13-96**  
**IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED**