



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

November 29, 2013

ZONING EXAMINER'S DECISION

Special Exception Land Use Case: SE-13-96

Owner: Doug Jackson
Jackson and Company
P.O. Box 17328
Tucson, AZ 85731

Applicant/Agent: Kristi Wilbur
Family Attic Thrift Store
1066 South Pantano Road
Tucson, AZ 85710

Special Exception Land Use Request

This is a request to grant a Special Exception to allow expansion of a retail store and household goods donation center in a C-1 zone, located 200 feet west of Pantano Road and 500 feet north of 22nd Street in an existing multi-tenant commercial shopping center.

Public Hearing

On November 21, 2013 a public hearing was held on this special exception land use request in City Hall, 255 West Alameda, Tucson, Arizona, pursuant to Sections 3.3.5 and 3.4.3 of the *Unified Development Code*.

Appeal

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to Sections 3.3.5 and 3.4.3 of the *Unified Development Code*. An appeal of the Zoning Examiner's decision must be filed by a party of record within fourteen (14) days of the date of the Zoning Examiner's decision with the City Clerk, 255 West Alameda Tucson, Arizona 85701.

Findings of Fact

This request is to allow a household goods donation center in an existing tenant space in the C-1 Zone. The site is located on Pantano Road near 22nd Street.

The subject site is located within an existing multi-tenant commercial shopping center, zoned C-1 Neighborhood Commercial. To the south is a vacant gas station, zoned C-1. To the east, across Pantano Road are a medical office complex and a United States Post Office center, both zoned C-1. To the north is a commercial building zoned C-1. Farther to the north is a multi-family residential complex, zoned R-2 and O-3. The nearest residential units in this complex are located approximately 300 feet from the special exception site.

Vehicular access to the subject site is from Pantano Road. 500 feet to the south of the site is 22nd Street. Both of these streets are designated on the *Major Streets and Routes Plan* as arterials with 150-foot future right-of-way widths. 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.

Per the *Unified Development Code*, a Household Goods Donation Center is allowed in the C-1 zone as a special exception land use, subject to approval by the Zoning Examiner and compliance with the following use-specific standards in Sections 4.9.5.G.2; 4.9.5.G.6 -12; 4.9.13.A.2; and 4.9.13.B - D of the *Unified Development Code*.

Salvage and Recycling:

4.9.5.G.2: Salvaging and Recycling – All salvaging and recycling activities and storage are to occur within an enclosed building.

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

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.

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.

4.9.5.G.9: The applicant shall submit a security management plan that describes the operation of the center, to the Zoning Administrator for review and approval. The plan shall 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 shall 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.

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.

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

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.

General Standards

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

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

4.9.13.C Lighting: In addition to the requirements of 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.

4.9.13.D Noise: In addition to the requirements of Section 16-31, Excessive Noise, of the Tucson Code, the use shall 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.

The Planning and Development Services Department report that the submitted proposal complies with the applicable criteria of the *Unified Development Code* and recommends approval of the proposed development based on compliance with the *Pantano East Area Plan (PEAP)* and the current *General Plan (Plan Tucson)*. While the application in this case was reviewed under the *General Plan* in effect at the time of review, the public hearing was heard after the passage and

effective date of *Plan Tucson*. The policies applicable to this case have not substantially changed.

Policies for the *PEAP* state that commercial development is appropriate on major streets and discourage extension of strip commercial development patterns. Commercial uses should be designed sensitively to existing residential areas. *Plan Tucson* 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, stabilizes and enhances the transition edge when adjacent to existing and future residential uses: and, screens and buffers adjacent residential properties. Policies encourage limited duration of activities that generate excessive noise, light or traffic by limited hours of operation for such activities where possible.

The applicant has submitted a Security Management Plan which has been reviewed and accepted by staff. Outdoor lighting shall 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.

Conclusion

Given the compliance of the proposed project with the *General Plan (now Plan Tucson)* and the *Pantano East Area Plan*, and the compliance of the proposal with UDC performance criteria, this request is appropriate.

Decision

This special exception land use request to allow a household goods salvage and recycling facility and retail store as a special exception land use in the C-1 zone is hereby approved, subject to the following conditions:

Procedural:

1. A development package in substantial compliance with the preliminary development plan 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 and

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 property. Containers shall be screened with masonry walls and enhanced landscaping to screen the containers. Should the applicant be unable to locate trash refuse containers according to this condition, they may seek a variance from the Board of Adjustment.
8. As an alternative to Condition 7, the applicant may receive permission from Environmental Services for a commercial automated plastic container to replace the existing frontload metal refuse containers.
9. The existing landscape barrier on the northwest perimeter of the site shall be augmented to provide a landscape screen barrier up to a height of six (6) feet, using oleander shrubs to match existing planting.
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 or 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.

Linus Kafka



Zoning Examiner

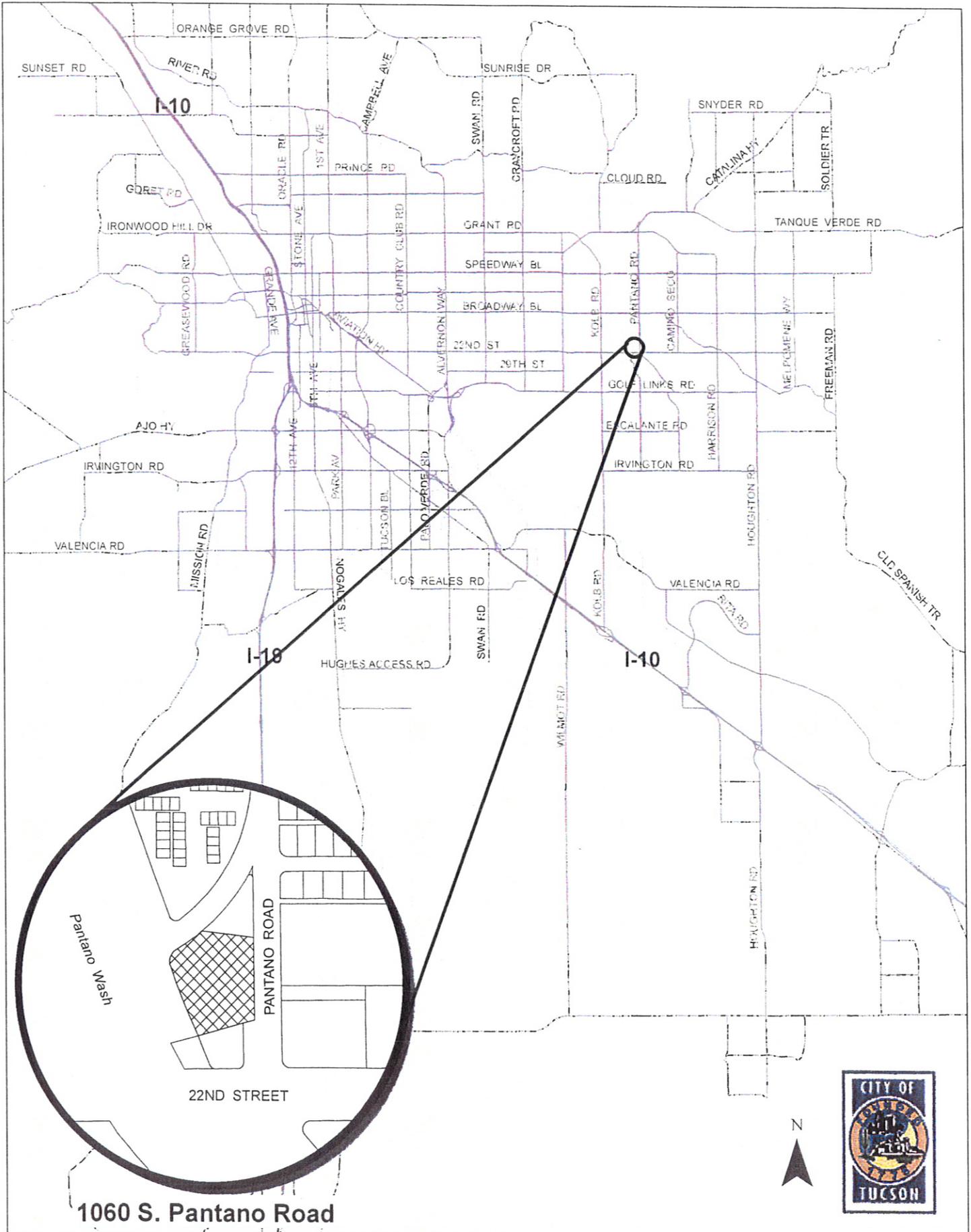
Distribution List:

Doug Jackson, Jackson and Company

Kristi Wilbur, Family Attic Thrift Store

Glenn Moyer, City of Tucson Planning and Development Services Department

SE-13-96 Family Attic - Pantano Road





20TH PL

BEVERLY ST

PANTANO ROAD

Pantano Wash

22ND STREET

PANTANO RD.



SE 12.06 Family A/Mis Pantano Road

0 50 100 200 Feet N