



# Zoning Examiner

## ZONING EXAMINER DECISION

January 23, 2025

Kevin Perko, P.E.  
CIVIL DESIGN GROUP  
61117 East Sparkle Spur Place  
Tucson AZ 85739

**SUBJECT: TP-ENT-1024-00021 The Specialists – N Wegner Ln, MU Zoning (Ward 3)  
Zoning Examiner Special Exception Procedure**

**Public Hearing Date: January 16, 2025**

Dear Mr. Perko,

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedure (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's findings and decision for the special exception case TP-ENT-1024-00021 The Specialists – N Wegner Ln, MU Zoning.

### **BACKGROUND**

This is a special exception land use request in the MU Mixed Use zone by Kevin Perko of CIVIL DESIGN GROUP PLC, on behalf of the property owner, The Specialists, for the development of a 6,424 square-foot building for vehicle storage under the Storage – Commercial Storage land use. The special exception request is for a 0.32-acre parcel located 120 feet west of the intersection of Fairview Ave and Wetmore Road, on the south side of Wetmore Road, located at 4342 N Wegner Lane (See Case Location Map).

Commercial Storage in the MU zone is subject to Section 4.9.10.A of the *Unified Development Code (UDC)* and requires a decision through the Zoning Examiner Special Exception Procedure, Sec. 3.4.3.

### **JANUARY 16, 2025 ZONING EXAMINER HEARING**

The Zoning Examiner held a public hearing on this case on January 16, 2025. The Applicant and a representative for the owner of the proposed project appeared and spoke in support of the requested special exception, and described the proposed use.

**TP-ENT-1024-00021 The Specialists – N Wegner Ln, MU Zoning (Ward 3)**



# Zoning Examiner

Kevin Daily, President of Flowing Wells Neighborhood Association, appeared and inquired about whether this case involves a marijuana dispensary, as the mailed notice said something about a dispensary. The Zoning Examiner and PDSD Staff confirmed that this case has nothing to do with a marijuana dispensary.

Phoebe Robinson, the owner of the lot adjacent to the proposed special exception use, appeared and inquired about the whether the subject property will be owned by the same entity that owns The Specialists, and requested specific information about the proposed use of the building and whether any automotive work will be done in the building.

The Applicant and owner representative explained that the building will be used for overflow parking and storage of vehicles and equipment awaiting installation. The building will primarily be used to store police vehicles while they are being outfitted with new equipment. No installation of equipment will occur in the proposed building. As for ownership, the site may be owned by another legal entity under the ownership umbrella of The Specialists. The new building will be used in conjunction with the main operation The Specialists.

The Zoning Examiner inquired about the ability to sell and use this site separately from the main operation of The Specialists, which is located across the alley to the east of the subject property. The proposed building has office space on the second floor. The Zoning Examiner asked whether the parking for the office area would be on The Specialists' main site next door. In particular, the Zoning Examiner inquired whether there would be any parking in the event of future independent ownership and use of the proposed building. The owner's representative confirmed that parking for this site will be at The Specialists' main site next door. PDSD Staff explained that the proposed special exception land use—Commercial Storage—does not have a parking requirement, and that any future change of use would require a new approval.

## **FINDINGS**

### **Background Information**

Existing Land Use: Vacant

Existing Zoning Description: Mized Use (MU) – This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning. Residential and select other agriculture, civic, commercial, industrial, recreational, retail, storage, utility, and wholesaling uses may also be permitted that provide reasonable compatibility with adjoining residential uses.



# Zoning Examiner

## Surrounding Zones and Land Uses:

North – Mixed Use Zone, Vehicle Sales across Wetmore Road

East – Mixed Use Zone, Auto Service – Minor

South – Mixed Use Zone, Mobile Home

West – Mixed Use Zone, Bank

Previous Cases on the Property: There are no previous Special Exception cases on property.

Related Cases: None

## Planning Considerations

Land use policy direction for this area is provided by *Plan Tucson* and the *Catalina Foothills Subregional Plan*.

Plan Tucson: This location is within the Mixed-Use Centers building block. This building block supports this development as it achieves several Plan policy goals. The Plan supports commercial and employment uses near existing developments, the expansion of existing businesses, and infill development in vacant parcels within community-level activity centers. This development also protects established residential uses to the south by creating a buffer between them and Wetmore Road.

Catalina Foothills Subregional Plan: This development is not within the Subregional Plan land use detail areas.

## Design Considerations

Land Use Compatibility – The subject site is currently a vacant parcel, previously there were two mobile homes on the parcel, which were removed in 2016 and 2022.

The proposed storage structure is 6,424 square feet, with a 27-foot 8-inch wall facing the north parcel boundary and Wetmore Road, and a 24-foot wall facing the residential use to the south. Two driveways provide access to the building from Wegner Lane. Pedestrian access is provided from both Wegner Lane and the alley to the east.

The structure is set back 36 feet from the south property line, the maximum distance possible with only a 10-foot setback to the north property line.

Hours of operation are limited to the hours between 7am to 5pm, Monday through Friday.

Drainage/Grading – The parcel is not located within a floodplain. The applicant has committed to provide for the post-development first flush on-site, through the use of rainwater harvesting and stormwater retention to basins located in the landscape buffer yard areas.



# Zoning Examiner

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed. Access to the site is restricted to Wegner Lane. The applicant has proposed sidewalk improvements along Wegner Lane, on the west edge of the site. These improvements should be extended to meet the existing ADA ramp at the corner of Wegner Lane and Wetmore Road, and a sidewalk access easement will be required where the sidewalk falls within the parcel boundaries. No on-site parking is provided for this Commercial Storage use, as vehicles stored on-site will be related to work performed at The Specialists location at the corner of Wetmore Road and Fairview Ave, which already maintains a parking area for staff and customers.

## Use Specific Standards

Commercial Storage is allowed as a Special Exception in the Mixed Use Zone providing it meets the criteria established in Section 4.9.10.A of the Unified Development Code (UDC) with approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3.

The proposed Commercial Storage at the subject site is proposed to be located within the proposed building. Outdoor storage associated with the use would typically be subject to UDC 4.9.10.A, which provides restrictions and requirements for outdoor storage. But in this case no outdoor storage is permitted on the subject site pursuant to Preliminary Condition #12.

## DECISION

As required by UDC Section 3.4.5, the Acting Zoning Examiner finds that the requested special exception:

1. Meets the standards expressly applied by all adopted codes and regulations for Commercial Storage in the MU Zone;
2. Substantially mitigates any potential adverse effects on adjacent land uses or the surrounding neighborhood by utilizing indoor storage and by complying with the Conditions of approval proposed by PDSD and attached to this decision letter;
3. Provides for adequate and efficient vehicular and pedestrian access and circulation, and does not have an independent vehicular parking requirement;
4. Can be adequately and efficiently served by public facilities and services, such as water, storm water drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the various public and private agencies; and
5. Complies with *Plan Tucson* and the *Catalina Foothills Subregional Plan*.



# Zoning Examiner

The requested special exception land use is consistent with policy direction in *Plan Tucson* and the *Catalina Foothills Subregional Plan*, which support development designed to be compatible with and sensitive to surrounding land uses.

Therefore, this special exception request is approved subject to the Preliminary Conditions proposed by PDSD, attached to this decision letter.

## **APPEAL**

This Decision may be appealed to the Mayor and Council pursuant to *UDC* Section 3.4.3.I. A notice of intent to appeal this Decision must be filed with the City Clerk, 255 West Alameda, Tucson, Arizona 85701 by a party of record in accordance with *UDC* Section 3.9.2 within fourteen days of the effective date of this Decision, with a copy delivered to PDSD.

The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of this Decision.

Sincerely,

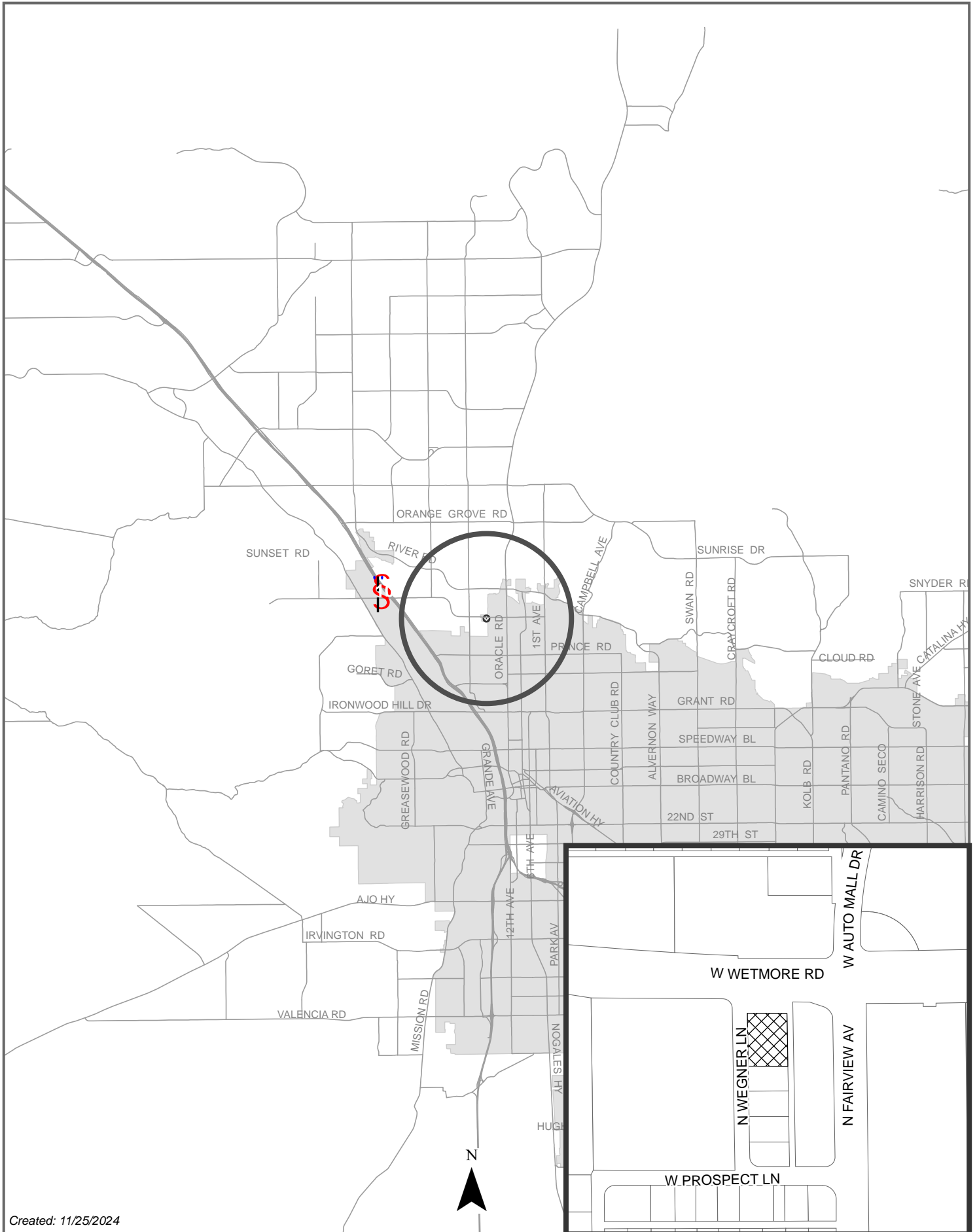
Frank Cassidy  
Acting Zoning Examiner

## **ATTACHMENTS:**

Case Location Map  
Special Exception Case Map  
PDSD Preliminary Conditions

Cc: Mayor and Council

# TP-ENT-1024-00021 - 4342 N Wegner Lane





TP-ENT-1024-00021 - 4342 N Wegner Lane



 Area of Special Exception Request

Address: 4342 N WEGNER LN  
Base Maps: Twp. 1303 Range 1302 Sec. 23  
Ward(s): 3

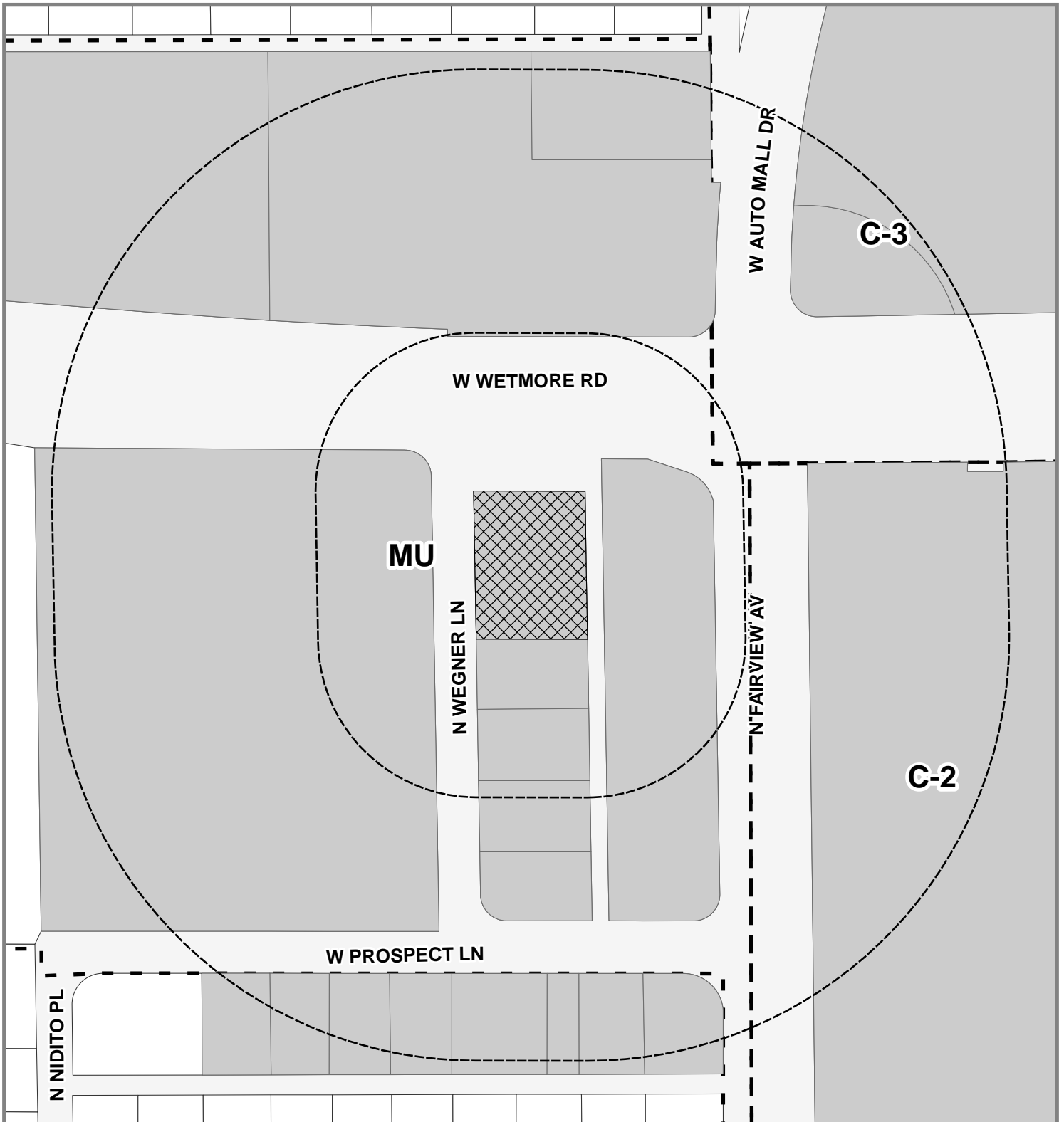


2022 Aerial  
Created: 11/25/2024

0 60 120 Feet  
1:1,557



# TP-ENT-1024-00021 - 4342 N Wegner Lane



- Area of Special Exception Request
- Properties Notified
- Zone Boundaries
- 400' Notification Area
- Protest Area (150 ft. Radius)

Address: 4342 N WEGNER LN  
Base Maps: Twp. 1303 Range 1302 Sec. 23  
Ward(s): 3

0 60 120 Feet

1:1,557





### PROCEDURAL

1. A development package, in substantial compliance with the preliminary development package and required reports dated November 25, 2024, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported immediately to the City of Tucson Historic Preservation Officer. 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 the Arizona State Museum. In the event that previously unreported cultural resources are encountered during ground disturbing activities, allowed work must immediately cease within 30 meters (100 feet) until a qualified archaeologist has documented the discovery and evaluated its eligibility for the Arizona or National Register of Historic Places in consultation with the lead agency, the SHPO, and Tribes, as appropriate. Work must not resume in this area without approval of the lead agency. If human remains are encountered during ground-disturbing activities, all work must immediately cease within 30 meters (100 feet) of the discovery and the area must be secured. All discoveries will be treated in accordance with NAGPRA (Public Law 101-601; 25U.S.C. 3001-3013) or Arizona Revised Statutes (A.R.S. § 41-844 and A.R.S. § 41-865), as appropriate, and work must not resume in this area without authorization from Arizona State Museum and the lead agency.
3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
4. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

5. Development Package submittal will clarify the proposed land use type is “Storage – Commercial Storage” as allowed in the MU Zone, and not “Vehicle Storage.”
6. Proposed Development Package must comply with TSM Section 8 for all solid waste and recycle disposal, collection, and storage requirements, if applicable.
7. Proposed sidewalk must connect to existing ADA ramp. Pedestrian access easement required for location of new sidewalk.
8. All new driveways must be constructed per PAG SD 206.
9. Operating hours for this business shall be restricted to the hours between 7am and 5pm, Monday through Friday.

10. Rainwater harvesting shall be provided in landscape buffer yards, with a depth of at least 9 inches. Stormwater runoff shall be directed to landscaped areas, and these areas shall be designed to provide full first flush retention for the site.
11. Access to the site shall be restricted to Wegner Lane, and daily traffic volumes should not exceed more than 10 vehicles per day.
12. Outdoor storage shall not be permitted.
13. Outdoor lighting shall be directed away from adjacent residential uses and comply with all applicable provisions of the Unified Development Code.