

February 5, 2003

Memo To: Planning Commission, City of Tucson

Re: Comments on the Draft LUC Amendment - Large Retail Establishments

From: John Rupley, 30 Calle Belleza, Tucson, AZ 85716

Mr. Chairman and Commissioners:

I want to comment on two of the several changes introduced into the draft amendment in response to comments by Mary Beth Savel of Lewis and Roca, acting on behalf of Wal-Mart.

(1) Delivery Truck Parking. Section 3.5.9.7.C.1.c.2 (staff revised draft). The intent of the BBSC, expressed in the draft amendment, was to allow delivery trucks to be at the loading space only when in the process of unloading, with parking of trucks waiting for unloading, including those parked overnight, being restricted to a designated area 350 ft. from residential. The intent was to separate delivery truck parking from delivery truck unloading, and to address mitigation of each separately.

The new language of the staff revised draft allows delivery trucks to be parked, including overnight, elsewhere than at the designated parking area. The new language makes meaningless the concept of a designated parking area.

Problems associated with truck parking are serious concerns for neighborhoods. These concerns were recognized by the Subcommittee. The original language reported by the Subcommittee should be restored.

(2) Hours of operation. Section 3.5.9.7.C.1.g.2 (staff revised draft). The intent of the current ordinance and of the amendment from the BBSC has been to protect the night hours by restricting intrusive uses to the 7 a.m. to 10 p.m. period.

The new language of the staff revised draft allows unloading operations during night hours if the store has food retail sales.

Night-time delivery is a serious concern of neighborhoods, this concern was recognized by the Subcommittee, and the original language reported by the

Subcommittee should be restored.

We thank the Chairman and the Commissioners for the opportunity to present these comments.

Sincerely,

John Rupley