



**CITY OF
TUCSON**
ZONING
EXAMINER'S
OFFICE

Preliminary Report

January 16, 2015

National Retail Properties LP (F/K/A) Commercial Net Realty LP
450 South Orange Avenue, STE 900
Orlando, Florida 32801

Kevin M. Hall
Cypress Civil Development, LLC
2102 N. Country Club Rd. #9
Tucson, AZ 85716

**SUBJECT: C9-14-12 Surf Thru Car Wash – Pantano Road, C-1 to C-2
Public Hearing: January 8, 2015**

Dear Mr. Hall,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-14-12 – Surf Thru Car Wash – Pantano Road. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Cypress Civil Development, LLC, on behalf of the property owners National Retail Properties, LLC, to rezone approximately 1.46 acres from C-1 to C-2 zoning. The rezoning site is located on the east side of Pantano Road, approximately 150 feet south of the intersection of Pantano Road and Broadway Boulevard. The preliminary development plan proposes an automated self-service car wash facility with a 5,500 square foot building and two shade structures with a total square footage of 11,750 square feet. The site is vacant.

The site is surrounded by C-1 zoning. To the north is a Circle K convenience store and fueling station. To the south is an O'Reilly Auto Parts store. To the east is an adult care facility with 165 units. To the west, across Pantano Road, is an office complex and bank. To the southeast is the Sherwood Village Terrace residential subdivision, zoned R-1.

Vehicular access to the rezoning site is from Pantano Road, including four additional integrated access points with adjacent commercial developments located to the north and south. This design will require cross-access agreements. Pantano Road is identified as an arterial route with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map. The Pima Association of Governments – Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 78 vehicular trips per day.

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. *Plan Tucson* identifies the rezoning site as within an "Existing Neighborhood" on the Future Growth Scenario Map. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected. The goal is to maintain the character of these areas while accommodating some new development and encouraging reinvestment, services, and amenities that further neighborhood stability. Environmentally sensitive infill projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines are supported when they enhance the overall function and visual quality of the street, adjacent properties, and the community. Urban heat-island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The overall goal of the *PEAP* is to establish guidelines for future growth, while protecting existing development. These policies are meant to be used in conjunction with the General Design Guidelines. The *PEAP* supports commercial development at the intersection of arterial streets and integration with adjacent commercial uses and where adjacent uses are adequately buffered.

The proposed development includes a 5,500 square foot building, a 34 foot tall automated self-service car wash tunnel with mechanical equipment, and two, ten foot tall shade structures for a total of 11,750 square feet. The shade structures are designed to shade 16 vacuum stations located between the car wash building and the commercial development to the north. Car wash operations are proposed to be from 7:00 A.M. to 9:00 P.M. According to the applicant's agent, employees will be on site during business hours to perform routine and regular site maintenance and cleaning, in addition to operating the car wash.

The car wash tunnel is oriented so that vehicles enter on the east and exit on the west. The blow dryers, which produce the most noise, are to be located furthest west within the tunnel, away from the adjacent adult care facility located to the east. The entrance into the car wash tunnel is approximately 170 feet from the east property line. Outdoor vacuum stations also generate noise from vacuums, people, and car stereos. These services are 100 feet from the nearest point of the adult care facility. These services and activities shall be limited to hours of business and lighted signs, vacuums, dryers, pressure washers, and other noise generating mechanical equipment shall be turned off during non-business hours.

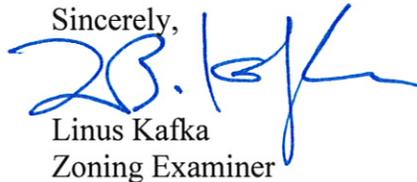
To further mitigate noise from business operations, landscaping and screening shall be included in the development. The full length of the east perimeter shall include a six foot tall masonry wall with a ten foot wide landscape buffer, including an average of one canopy tree for every 20 linear feet of buffer. The drive-in lane directing vehicles into the car wash shall include a three foot tall masonry wall with additional canopy trees located between the tunnel entrance and the residential adult care facility, located to the east.

CONCLUSION

The proposed land use is consistent with the *Plan Tucson* and the *Pantano East Area Plan* and in keeping with the character of the area. With impact mitigation and proper site design, the C-2 zone is compatible with land use in the area. Subject to compliance with the preliminary conditions, C-2 zoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of C-2 zoning.

Sincerely,

Linus Kafka
Zoning Examiner

ATTACHMENTS:

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

PROCEDURAL

1. A development package in general compliance with the preliminary development package and required reports dated, October 20, 2014, covering the rezoning site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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 Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported 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 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. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

LAND USE COMPATIBILITY

7. All on-site, outdoor noise generating operational equipment shall be a minimum of one-hundred (100') feet from east property line.
8. Car wash high pressure dryers to be a minimum of 250 feet from the east property line.
9. Pedestrian walkways connecting on-site building(s) to public street sidewalks and adjacent commercial land uses to be distinguished with color(s), and texture or scored pattern(s).
10. East perimeter of site to include a ten (10) foot wide landscape border, excluding trash enclosure area, and to include western edge of public fire lane easement as shown on

1/8/2015

Preliminary Conditions

PDP dated October 20, 2014. Landscape border to include native drought tolerant canopy trees planted every twenty linear feet, and to include plants and ground shrubs within the landscape border, on a permanent irrigation system.

11. East perimeter of site to include a six foot tall masonry wall, includes rear of trash enclosure area, and to include the western edge of the public fire lane easement as shown on PDP dated October 20, 2014. Masonry wall to be minimum six inch masonry block.
12. An integrated outdoor lighting plan, in compliance with the Outdoor Lighting Code (OLC), shall be included in the development plan package. The plan shall show even lighting distribution over the entire proposed site, and shall minimize spill-over light.
13. Light fixtures on shade structures (vacuum stations), shall be full cutoff, fully shielded, directed down away from adjacent parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan
14. Signage identifying tenant to face commercial corridor.
15. Vehicle height warning bar, limited to safety information, no tenant identification signage permitted.
16. Hours of operation, including vacuum stations and other light and noise generating activities, limited 7:00 AM to 9:00 PM.
17. Building height is limited to 34 feet.
18. All buildings shall be designed to have "four-sided" architecture. Building facades at rear and side are to be designed with attention to the architectural character and detail comparable to the front façade, including but not limited to, comparable color palette, rooflines, and materials similar to surrounding residential (or commercial) units. Site and building entry points to be highlighted and accented. Dimensioned elevation colored drawings, with color palette shall be submitted as part of the development package submittal
19. The dumpster enclosures shall be located a minimum of fifty (50) feet from any residentially zoned or developed property. Dumpster to be screened with a masonry wall a minimum of six (6) feet in height. Colors and materials shall be complimentary to the buildings and/or perimeter walls.
20. All perimeter masonry walls and dumpster enclosures visible from a public right-of-way and/or adjacent to existing residential development, shall be graffiti-resistant material that incorporates two (2) or more of the following visually appealing design treatments, such as the use of decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; and/or varied wall alignments, (jog, curve, notch, setback, etc.). Graffiti to be removed within seventy-two (72) hours of discovery.

Preliminary Conditions

21. Roof mounted mechanical equipment on the commercial building shall be screened from view.
22. Development of the entire site shall be subject to commercial rainwater harvest requirements.
23. Parking; limited to no more than 10% over the total required parking spaces for the commercial development.

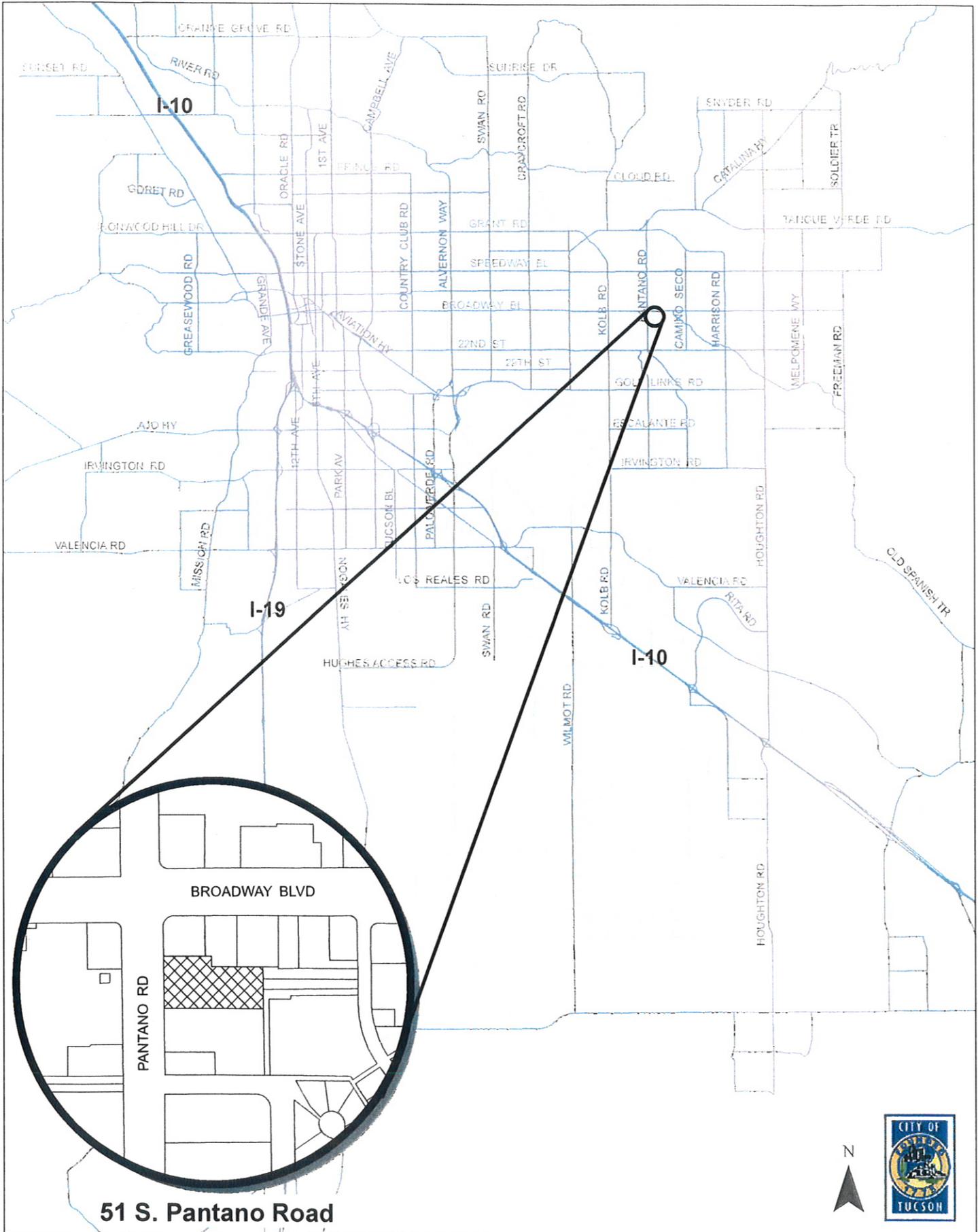
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

24. The submittal of a drainage report that addresses onsite and offsite drainage and its impact on the proposed improvements.
25. Detention will be required instead of retention and shall be in form of difference in volumes between developed and existing 2-year runoff volumes, or the difference in peak discharges. Waterharvesting design may overlap detention requirements. Check dams or other LID features should be utilized within drainage designs with regard to any engineering and geotechnical constraints.
26. Drainage systems, bleed pipes or other systems to allow for positive gradient, shall be used to drain any basin or water harvesting areas. Positive gradient will be required to assure 12-hr drain-down time is achieved for drainage systems.
27. Owner/applicant is responsible for providing a special inspection and delivering results to PDSB building codes for the following condition. Provide materials with building permit application and reference rezoning case number C9-14-12 Surf Thru Car Wash Pantano Road. New and replacement roofing material shall be Energy Star rated, or cool roof rated with Solar Reflectance greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

28. Dedication of additional right of way, along Pantano Road, in accordance with the MS&R Plan requirements.
29. The installation of standard width sidewalks along Pantano Road frontages, including ADA requirements.

C9-14-12 Surf Thru - Pantano Road



51 S. Pantano Road





C9-14-12 Surf Thru - Pantano Road
2014 Aerial

