



MEMORANDUM

DATE: March 13, 2019
For March 28, 2019 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark, Interim Director
Planning & Development Services

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-19-02 BRAKEmax – Tanque Verde Road, C-1 to C-2 Zone
(Ward 2)

Issue – This is a request by Linda Morales, of the Planning Center, on behalf of the property owners, Meade Ovis O Living Trust, care of Eric Shoessler, to rezone approximately 1.06 acres from C-1 to C-2 zoning. The rezoning site is located on the north side of Tanque Verde Road, approximately 830 feet east of Catalina Highway (see Case Location Map). The preliminary development plan proposes construction of a BRAKEmax shop, classified as an automotive service and repair – major use. Proposed development includes a 5,300 square foot commercial structure with seven (7) service bays, enclosed storage area, customer waiting and office areas, with a maximum height of one story at 24 feet, as well as required parking and landscaping.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacant

Zoning Descriptions:

Commercial Zone C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Commercial Zone C-2: This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses are also permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned C-1; Commercial detention basin and self-storage
South: Zoned C-1 / R-1; Tanque Verde ROW and single family residences (Lakes at Castle Rock)
East: Zoned C-1; Self-storage
West: Zoned C-1; Madera Village Shopping Center

Previous Cases on the Property: PA-18-01 Plan Amendment - Bear Canyon Neighborhood Plan

This plan amendment was processed to allow for this rezoning application to be accepted and processed. The plan amendment reduced the building setback requirements required by the Bear Canyon Neighborhood Plan. The applicants sought to reduce required building setbacks for community commercial uses set forth in Nonresidential Uses Implementation Techniques 11.b.1 from 100 feet to 60 feet from the scenic route, which is the north right-of-way (ROW) line for Tanque Verde Road. They also sought to reduce the building setbacks, required in 11.b.2 from parcels with suburban residential or low-density residential zoning, from 350 feet to 200 feet. The Mayor and Council approved the plan amendment with the adoption of Resolution #22958 on October 23, 2018.

Related Cases:

C9-88-11 Cottonwood Properties – Bear Canyon Road, B-1 (C-1) to B-2A (C-2) This was a rezoning request for 0.38 acres located approximately 1,700 feet west of the subject rezoning at northeast corner of N. Bear Canyon Road and East Tanque Verde Road to allow the development of an automotive repair and service – major use (Jack Furrier Western Tire Center). On May 22, 1989, Mayor and Council adopted Ordinance No. 7198, and the rezoning was effectuated with the issuance of a building permit on June 23, 1989.

Applicant’s Request – “The proposed land use is a BRAKEMax automotive repair shop with 7 bays, parking, and enclosed storage area, loading and appropriate landscaping. The site will be designed cohesively with the existing shopping center to maintain the existing circulation patterns of the area and the scenic appeal of Tanque Verde Road.”

Planning Considerations – Land use policy direction for this area is provided by the *Bear Canyon Neighborhood Plan (BCNP)* and *Plan Tucson (PT)*. The rezoning site is located in a transition between a Mixed-use Center Building Block and an Existing Neighborhood Building Block as identified on the Future Growth Scenario Map of *PT*. Mixed-use Centers combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycles, and walking will get priority in these areas although cars will still play an important role. Existing examples in Tucson include Williams Centre, Gateway Centre, and the Bridges. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Policies of *PT* LT28 Set 5 (Mixed-use Centers) encourage: a. infilling vacant or underutilized parcels adjacent to existing regional and community-level activity centers; b. environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community; and, infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. The proposed rezoning is in conformance with these policies.

Policies of LT28 Set 2 (Existing Neighborhoods) support community commercial and office uses located at the intersections of arterial streets, taking into consideration traffic safety and congestion issues. Policies also support the redevelopment and/or expansion of existing strip commercial development (this is not strip development, but the policies are appropriate) that will improve traffic flow, pedestrian mobility and safety, and streetscape quality when: a. The project stabilizes and enhances the transition edge when adjacent to existing and future residential uses; b. Primary access can be generally provided from a major street; c. Required parking, loading, and maneuvering can be accommodated on site; d. Screening and buffering of adjacent residential properties can be provided on site; e. Adjacent uses can consolidate design elements, where feasible, such as access points, parking, landscaping, and screening; f. Current or future cross access between parcels and uses can be feasibly accommodated; and g. Buildings and their associated activities, such as, but not limited to, loading zones and dumpsters, can be oriented away from adjacent residential uses, toward the interior of the site or toward boundaries adjacent to similar uses. The proposal is in conformance with these policies.

The *BCNP* is restrictive with respect to community commercial uses. The plan generally supports only neighborhood commercial (C-1 uses) except for locations where the standards of Implementation Techniques, discussed below are met. The overall goal of the *BCNP* non-residential policies is to provide for commercial development which is quality designed, services the local area, and is conveniently located. These *BCNP* policies support the proposal: a. promote nonresidential developments in appropriate locations where similar uses exist; b. discourage commercial uses which do not service neighborhood needs; c. prohibit strip commercial development; d. Encourage quality-designed and architecturally compatible commercial development to serve neighborhood needs; and, e. allow only office or commercial development in areas designated for those uses.

Plan Administration Section, Implementation Technique 1.c Builders/developers shall notify the Master Neighborhood Association and any affected property owner within 300 feet at least 30 days prior to submittal of plans to CDRC. The builder/developer or his representative shall offer to review the proposed development plans for the parcels with the neighbors and/or the neighborhood association.

The site fronts onto East Tanque Verde Road, designated as an arterial roadway, with a 150-foot right-of-way (ROW), on the Major Streets and Routes Plan map. The roadway is also regulated by the Scenic Corridor Zone overlay. The Pima Association of Governments - Transportation

Planning Division (PAG-TPD) estimates that the proposed development will generate approximately 18 PM peak vehicle trips per day.

Design Considerations

Land Use Compatibility – The *BCNP* “Implementation Techniques” guide the location and design of community commercial uses. The overarching technique is to locate commercial uses at the intersection of major streets where commercial uses already exist. *The larger commercial node, in which the rezoning site is located, has cross-access to both Bear Canyon Road and Tanque Verde Road. The existing commercial zoning extends beyond the immediate shopping center.*

Implementation Technique 11 is specific to community commercial uses. It requires consideration of select community commercial uses which are:

a. Compatible in meeting the retail and service needs of the Bear Canyon area.

BRAKEMax has mapped the home locations of their customers currently using the over-capacity Speedway/Pantano shop have found a substantial number of those clients live in the Bear Canyon area. This location would reduce miles driven and provide more a convenient service to residents.

b. Must be located in a shopping center, and use should be oriented to the interior of that center:

The site is in the larger commercial area, surrounded on all sides by commercial zoning/uses, and has direct access into the commercial center. The building will be oriented so that the work bays are facing into the interior of the commercial area and away from the scenic corridor and the residences to the south.

- 1) Building is located a minimum of 100 feet from the right-of-way line of a scenic route. *For compliance, see # 3 below.*
- 2) Building is located a minimum of 350 feet from suburban and low-density residentially zoned land parcels. *For compliance, see # 3 below.*
- 3) Exception to Section b: Parcel 114-51-218A is exempt from Implementation Techniques 11.b.1 and 11.b.2, and is subject to this section. The building on this parcel is located a minimum of 60 feet from the right-of-way line of a scenic route and a minimum of 200 feet from suburban and low-density residentially zoned properties. *The Preliminary Development Plan (PDP) demonstrates the proposed building setback exceeds 60 feet from the Tanque Verde (scenic corridor) right-of-way, and the required 200 foot setback from suburban and low-density residentially-zoned land parcels.*

c. The community commercial development must be designed in conformance with the following elements:

- 1) Masonry and landscaping screen shall be provided, where appropriate, to abate noise and eliminate negative impacts on surrounding uses. *The PDP shows significant landscaping along the scenic corridor frontage, in the vehicle use area on the east*

- and north of the parking, north of the structure. A 30-inch-tall wall will be required along the back side of the street landscape border.*
- 2) Enhanced landscaping (trees, shrubs, and ground cover) be provided around the building/perimeter or pad. *The PDP shows landscaping along the immediate east and west sides of the structure – above what the Code requires. In addition the street and north landscape borders are enhanced in size and landscaping shown.*
 - 3) Building color, facade, and signage be designed to be compatible with related shopping center. *The applicant states, in the Design Compatibility Report (DCR), that the BRAKEMax building will be designed to match the existing shopping center and other commercial uses in the neighborhood.*
 - 4) Primary access must be available from two (2) arterial streets fronting a shopping center. *The larger commercial node, in which the rezoning site is located, has cross-access to both Bear Canyon Road and Tanque Verde Road.*
- d. The use does not involve billboards. *No billboards are associated with this use, and there are no billboards on the site.*
- e. Use does not involve the outdoor storage or display of merchandise. *The PDP does not show any outdoor display areas, and the project description from the application states that storage will be contained within the building. This condition is met, however, because the C-2 zone permits outdoor storage, staff is recommending a rezoning condition prohibiting outdoor storage.*
- f. Not noise intrusive. *The building will be oriented so that the work bays are facing into the interior of the commercial area and away from the scenic corridor and the residences to the south. A nearly 40-foot-wide landscape border, north of the building, will extend the width of the building and further mitigate any noise. This condition is met.*

Building Heights and Views – During the Planning Commission public hearing on the plan amendment, a property owner in Lakes at Castle Rock expressed concerns about the obstruction of views from their property toward the Catalina Mountains. While views are not protected by plan policy or Code, the applicant agreed to work with the property owner to minimize visual impact from the development. The owner was also advised that the Tanque Verde Road Scenic Corridor Zone (SCZ) limits building height to equivalent of one-third of the building setback from the SCZ ROW line. In this case, the PDP shows the building, has an average setback of 82.5 feet, resulting in a maximum height of 27.5 feet, however, the DCR states the maximum building height will be 24 feet. The standard C-2 maximum building height is 40 feet. Staff is recommending a condition to limit the building height to 24 feet.

The applicant provided a photo simulation (photosim) of how the proposed structure would look from the owner’s rear yard. A copy of the photosim is included with the report. The applicant also held an additional neighborhood meeting to develop conditions to mitigate the impacts on mountain views. Those conditions regulate sign lighting, business hours and noise. Please see Preliminary Conditions 12-14.

Cultural Resources – The Arizona State Museum and the City of Tucson Historic Preservation Office have recommended an archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. This is set forth in Preliminary Condition 3.

Drainage/Grading/Vegetation – The parcel has been previously graded and is mostly void of vegetation. A drainage study, completed in 2007, for the storage facility surrounding the rezoning site on the east and north, included the rezoning site, which was proposed for retail and fast food uses. The applicant provided a Drainage Statement, by Native Engineering, to update the original study. The Statement concludes that the off-site conditions have not changed from those proposed in the original study, and the proposal for the rezoning site includes less impervious area, therefore the basins provide originally are sufficient for the proposed BRAKEMax.

Volunteer growth exists near the Tanque Verde ROW line on the south and north of the access lane in the northern part of the site. These areas will be re-vegetated as discussed above, to meet the Scenic Corridor Zone thirty-foot buffer, and to provide screening and buffering of property north of the rezoning site.

Road Improvements/Vehicular Access/Circulation – A Traffic Statement was provided for this proposal by Kimley-Horn, an engineering firm. The statement determined the BRAKEMax use will generate fewer trips than many of the C-1 uses that are currently permitted on the site, and that no additional roadway improvements are required to accommodate the use. The Tucson Department of Transportation (TDOT) concurs with the statement's finding.

Residents of the Lakes at Castle Rock, south of Tanque Verde Road, have expressed concerns about traffic movements at the subdivision entrance directly south of the access to the rezoning site and the easement, to the entire shopping center. The applicant worked with TDOT to allow the developer or business operator to provide and maintain additional lane striping at the shared entry with the self-storage use. See Preliminary Condition 16.

Conclusion – The proposal, as presented in the Design Compatibility Report and on the Preliminary Development Plan, both revised and dated February 6, 2019, is consistent with the policy direction of *Plan Tucson* and the *Bear Canyon Neighborhood Plan*. In addition, the proposal meets the Implementation Techniques in the *BCNP*, applicable to community commercial development. Conditions have been proposed as necessary to ensure compliance. Subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package revised and dated February 6, 2019, and required reports dated January 15, 2019 and revised and dated February 6, 2019, 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. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
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. 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.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

8. Maximum building height is twenty-four (24) feet.

9. 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.
10. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
11. Per the Bear Canyon Neighborhood Plan, Plan Administration Section, Implementation Technique 1.c Builders/developers shall notify the Master Neighborhood Association and any affected property owner within 300 feet at least 30 days prior to submittal of plans to CDRC. The builder/developer or his representative shall offer to review the proposed development plans for the parcels with the neighbors and/or the neighborhood association. Applicant/developer should have development package, conceptual building design and proposed color palette at the meeting.
12. The illuminated signage on the building shall be turned off by 7:00 PM by automatic timer.
13. Hours of operation for automotive use shall be limited to 7am to 7pm.
14. Mufflers shall be installed on automatic tools (pneumatic and electric) and air compressors.

DRAINAGE/GRADING/VEGETATION

15. All landscaping proposed in the Development Package must be consistent with, and in substantial compliance with the Preliminary Development Plan, dated February 6, 2019.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

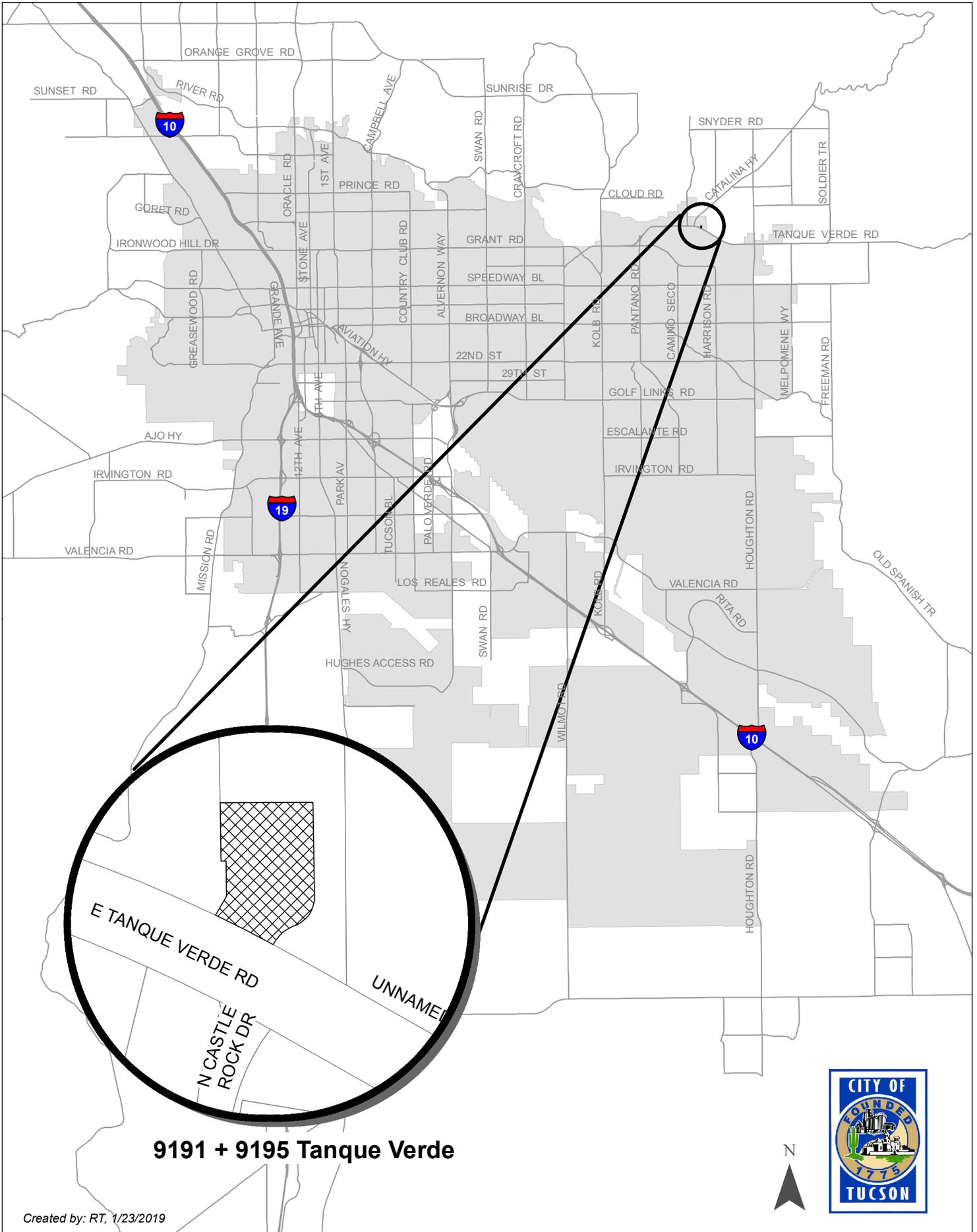
16. The developer and/or operator shall provide and maintain lane striping (paint or reflectors) at the site entry drive designating three travel lanes (an entry lane from Tanque Verde Road into the shopping center, a left turn lane exiting the shopping center, and through/right-turn lane exiting the shopping center).

TUCSON AIRPORT AUTHORITY

17. According to the FAA Notice Criteria Tool, this project exceeds an instrument approach area by 258 feet and an aeronautical study is needed to determine if it will exceed a standard of subpart C of 14CFR Part 77. This project is located in proximity to a navigation facility and could impact navigation signal reception. The applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes used which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

C9-19-02 Brake Max - Tanque Verde

Rezoning Request: From C-1 to C-2



9191 + 9195 Tanque Verde



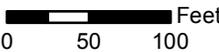
C9-19-02 Brake Max - Tanque Verde
Rezoning Request: From C-1 to C-2



 Subject Property

Address: 9191 + 9195 E Tanque Verde Rd
Base Maps: Twp.13S Range15E Sec. 34
Ward: 2

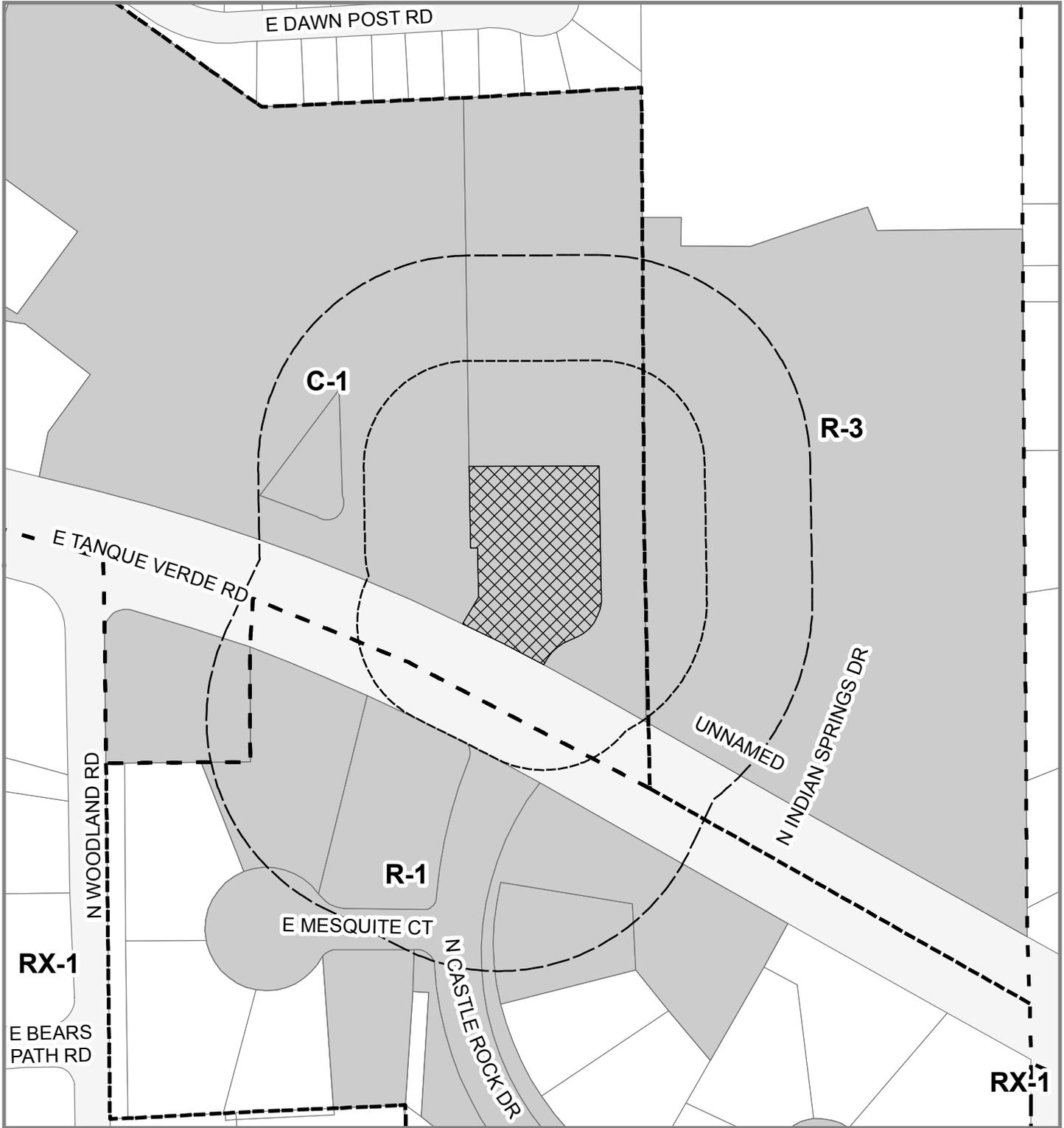



0 50 100 Feet
1 inch = 116.666667 feet



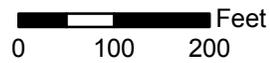
C9-19-02 Brake Max - Tanque Verde

Rezoning Request: From C-1 to C-2



- Subject Property
- Protest Area (150 ft. Radius)
- Notification Area (300 ft. Radius)
- Zone Boundaries
- Properties Notified

Address: 9191 + 9195 E Tanque Verde Rd
 Base Maps: Twp.13S Range15E Sec. 34
 Ward: 2



1 inch = 200 feet



CONCEPTUAL SITE PLAN - TANQUE VERDE ROAD



PDSD 2/06/2019 Revised
PRELIMINARY DEVELOPMENT PACKAGE: C9-19-02

NOTES:
 APN: 114-51-218A
 ADDRESS: 9191 & 9195 E. TANQUE VERDE RD.
 SITE ACREAGE: 1.06 AC

EXISTING ZONING: C-1
 PROPOSED ZONING: C-2

EXISTING USE: VACANT
 PROPOSED USE: BRAKEmax (AUTOMOTIVE SHOP)
 TOTAL SQUARE FOOTAGE = 5,300 SF
 TOTAL NUMBER OF REPAIR BAYS = 7 BAYS

PROPOSED BUILDING HEIGHT: 24'

PARKING REQUIRED (1/300 SF): 21 SPACES
 PARKING PROVIDED: 27 SPACES

BRAKEmax CAR CARE CENTER

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-19-02 mww

Expose this flap - Affix stamp and return



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

C9-19-02
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED

PUBLIC FACILITIES AND SERVICES REPORT FOR March 28, 2019
(as of March 7, 2019)

C9-19-02 BRAKE Max – Tanque Verde Road, C-1 to C-2

CITY AGENCIES: No Objections Noted

Environmental Services
PDS – Engineering
PDS – Landscape
PDS – Sign Code
PDS – Zoning Review
TDOT – Engineering
TDOT – Traffic Engineering
Tucson Parks and Recreation
Tucson Police Department
Tucson Fire Department
Tucson Water Department

Objections or Conditions Noted

PDS – Historic Preservation Officer – Pre-development Survey

NON-CITY AGENCIES: No Objections Noted

Arizona Department of Transportation
Davis-Monthan Air Force Base
PAG-TPD: Estimated traffic generation of proposed development: 18 PM Peak vehicle trips per day.
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Tucson Electric Power
Tucson Unified School District

Objections or Conditions Noted

Pima County Wastewater: Standard Conditions
Tucson Airport Authority: Standard Conditions

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, March 13, 2019 at <https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>