



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: September 12, 2018

TO: Planning Commission

FROM: Scott Clark
Executive Secretary

SUBJECT: *Bear Canyon Neighborhood Plan Amendment PA-18-01, North Tanque Verde Road East of Catalina Highway – Community Commercial Use Public hearing (Ward 2)*

Issue – This is a public hearing on a plan amendment to the *Bear Canyon Neighborhood Plan (BCNP)* Nonresidential Uses Implementation Technique 11.b, submitted by Linda Morales and Lexy Wellott of the Planning Center, on behalf of the owner of the subject parcel, the Ovis Mead Living Trust.

The *Bear Canyon Neighborhood Plan (BCNP)* restricts community commercial uses to those areas that meet the siting requirements of Nonresidential Uses Implementation Technique 11., which requires such uses to meet the retail and service needs of the Bear Canyon area; be in a shopping center and oriented to the interior of the center; and, specifically section 11.b.1 which requires the community commercial building be setback 100 feet from a scenic corridor zone and 11.b.2 which requires a 350 foot setback from suburban and low-density residentially-zoned lots.

The applicant proposes the construction of a BRAKEmax automotive service and repair center (a Tucson-based company) on a vacant 1.06-acre parcel, located on the north side of Tanque Verde Road, approximately 830 feet east of Catalina Highway (Attachments A.1 and A.2). The automotive service and repair use is a community commercial use requiring C-2 zoning. Due to the parcel location, shape, and other constraints, the parcel cannot be developed for community commercial uses in compliance with the setbacks required in Implementation Techniques 11.b.1 and 11.b.2. Should the plan amendment be adopted by Mayor and Council, the applicant intends to implement the policies by applying for a rezoning of the subject property from neighborhood commercial uses (C-1) to community commercial uses (C-2).

Applicant's Request – The applicants are seeking 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 are also seeking 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 application for a plan amendment applies to the subject parcel specifically and does not amend the setback requirements of other parcels.

Recommendation – Staff recommends that the Planning Commission forward this item to the Mayor and Council with a recommendation to amend Nonresidential Implementation Technique 11 by adding Section 11.b.3 to create an exception that reduces the setback requirements of Section 11.b.1 to 60 feet and Section 11.b.2 to 200 feet, for Parcel 114-51-218A.

Staff is recommending the plan amendment language be inserted as a new section 11.b.3. The proposed plan amendment is shown in **bold**:

Policies: Nonresidential Uses: Implementation Technique 11

Consider select community commercial uses which are:

- a. Compatible in meeting the retail and service needs of the Bear Canyon area.*
- b. Must be located in a shopping center, and use should be oriented to the interior of that center:*
 - 1. Building is located a minimum of 100 feet from the right-of-way line of a scenic route.*
 - 2. Building is located a minimum of 350 feet from suburban and low-density residentially zoned land parcels.*
 - 3. **Exception to Section b: Implementation Techniques 11.b.1 and 11.b.2 apply to all community commercial uses with the exception of Parcel 114-51-218A. 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.***

Discussion during the Study Session raise the issue of whether the proposed structure of the plan amendment, as a new section 11.b.3 would be confusing, whereby a reader might interpret the language to apply to Subsection a, also. Staff could see the potential for confusion, so the proposed amendment has been re-stated as an exception to Section b. Combined with the language in the new Section b.3, the amendment is clearly specific to Section b.

Planning Commission Action: The Planning Commission held a Study Session on this request on August 15, 2018. During the Study Session, Commissioners commented on the clarity of the structure of the proposed plan amendment language, and whether the plan amendment should include other standards to address issues that may arise under any community commercial use that may be proposed for the plan amendment site. Those issues are addressed in the staff recommendation and below. The Planning Commission adopted a motion to set the case for a public hearing.

Public Contact: At this time, staff has received no direct input from the public regarding this proposed amendment. The applicant held two informal neighborhood meetings, on January 22, 2018 and March 5, 2018. The purpose of the January 22 meeting was to introduce the proposed project to Mr. Messing, Chair of the Bear Canyon Neighborhood Association. The March 5, 2018 meeting presented the proposed plan amendment to Bear Canyon Neighborhood Association during one of their regular meetings. The formal neighborhood meeting was held on May 2, 2018. There were 7 people in attendance at that meeting, including the applicants. The meeting information, submitted by the applicant, indicated there was no general opposition to the proposal.

On August 23, 2018, the Planning & Development Services Department mailed notices of the Planning Commission Public Hearing to property owners within 300 feet of the plan amendment site and to Neighborhood Associations within one mile. In this case, the only Neighborhood Association within one mile of the site is the Bear Canyon Neighborhood Association.

The legal ad, announcing the Planning Commission Public Hearing was published in the Daily Territorial on August 27, 2018.

Background – Two plan amendments to the *BCNP* have been approved that are directly related to the current request. Adopted by Mayor and Council on March 28, 1988 (Resolution 14381), the first plan amendment created the definition of the term “community commercial”, allowing for C-2 uses. It also established Implementation Technique 2, which provides direction for locating neighborhood commercial uses and Implementation Technique 11 which provides guidance for locating community commercial uses. The plan amendment and subsequent rezoning in 1988 created the C-2 zoning for the Jack Furrier Tire and Auto Care Center on the west side of the Bear Canyon Shopping Plaza.

The second plan amendment, adopted January 11, 1993 (Resolution 16201), clarified the uses that can have outdoor display in storage in Nonresidential Implementation Technique 11.e and .g. The 1993 plan amendment and subsequent rezoning allowed C-2 uses in a large portion of the northern part of the Bear Canyon Shopping Plaza.

Existing Zoning and Land Uses – The subject site is zoned C-1, allowing neighborhood commercial uses. Attachment B displays the surrounding zoning and land uses.

Located immediately west of the site is the Madera Village Shopping Center, zoned C-1. The Madera Village Shopping Center contains retail shops, a grocery store, restaurants, professional offices, and medical uses.

Two areas within the Bear Canyon Shopping Plaza, west of Catalina Highway, have been rezoned to C-2 zoning.

Immediately east of the site is an easement with access to Tanque Verde Road, and part of a self-storage facility, zoned C-1. Beyond the self-storage facility is an apartment complex, zoned R-3.

To the north of the parcel is a detention basin and the remainder of the self-storage facility, also zoned C-1.

The subject property fronts onto Tanque Verde Road to the south. Tanque Verde is a 6-lane roadway, with a 150 foot right-of-way (ROW), designated as an arterial on the *Major Streets and Routes Plan Map* and has a Scenic Corridor Zone (SCZ) Overlay. South of Tanque Verde Road, directly across from the subject parcel is The Lakes at Castle Rock, a low-density housing development zoned R-1.

In summary, the current zoning on the site is C-1 and it is surrounded on the north, east and west by developed C-1 zoned properties. R-1 zoning, developed with single-family residences, exists south of Tanque Verde Road.

Discussion – The requested plan amendment would allow a land use change from neighborhood commercial to community commercial and would offer an opportunity for the expansion of a local business that would provide important neighborhood services. The BRAKEmax Company is seeking the additional location because the Speedway/Pantano location is very busy, and their research indicates the 12% of that store’s customers reside in the Bear Canyon area. The additional site would provide greater convenience and reduced wait times for the Bear Canyon residents. The business will be located within a contiguous shopping center area, and the neighborhood commercial activities are oriented toward the commercial uses in the center

The auto repair facility proposal utilizes appropriate design guidelines to conform to existing commercial development and proposes landscaping and orientation that mitigates noise to nearby residential properties. The existing access easement on the north side of the parcel and the size and shape of the lot itself are constraints that limit the available development area (Attachment C). The easement bi-sects the site, and forces the building location south, into the 100 and 350 foot setbacks. The conceptual site plan preserves the existing access easement and satisfies the requirement of Nonresidential Policy Implementation Technique 11.c, which allows community commercial uses which have primary access from two arterial streets fronting a shopping center.

Attachment D illustrates the proposed setbacks. Reducing the building setback to 60 feet reduces the size of the parking area adjacent to the SCZ, potentially enhancing the SCZ. While the proposed setback to the suburban and low density residential zones is reduced from 350 feet to 200 feet, Attachment D shows that the building would still be approximately 370

and 360 feet from the nearest residential structures. The Tanque Verde Road ROW comprises 150 feet of those setbacks. Therefore, the proposal is consistent with the Plan's intent to protect residential uses from the impacts of community commercial uses.

The applicant is proposing to mitigate the impacts of the reduced setbacks by orienting the building so that all noise-generating activities are focused away from residential properties. The automotive service and repair use allows for a larger percentage of parking at the rear of the facility, taking advantage of the small portion of the lot north of the easement, and reducing the sea of parking in front of the building.

During the study session, there was a discussion about the need for additional conditions to control community commercial uses on this site. Any proposal for a community commercial use on this site will require a rezoning from the existing C-1 zone to the C-2 zone, and would be subject to all of the nonresidential policies and implementation techniques.

Implementation Technique 11 provides significant guidance for future community commercial uses on the site. Implementation Technique 11.b provides the most significant guidance for community commercial development on this site, "Must be located in a shopping center, and use should be oriented to the interior of that center..." This policy guides the placement of activity on the site for any use, and would limit the commercial activity between the building and the ROW. It creates the basis for rezoning conditions specific to a proposal.

Implementation Technique 11.c requires any community commercial use to be designed in conformance with the following elements: (1) masonry and landscaping screen be provided where appropriate to abate noise and eliminate negative impacts on surrounding uses; (2) enhanced landscaping (trees, shrubs, and ground cover) be provided around the building/perimeter or pad; and, (3) building color, façade, and signage be designed to be compatible with related shopping center.

The proposed setbacks, combined with the remaining 30-foot scenic route landscape buffer, greatly reduce the amount of parking and activity in front of the building. That, combined with the orientation of activity policy and the enhanced landscaping requirements around the structure, as cited above, will create a less intense and more vegetated area between the scenic route and the building. Additionally, the proposed setback brings the building more in line with the buildings to either side, which from an urban design perspective, creates a more formal and consistent street frontage.

Land Use Policy Direction - Policy direction is provided by the *Bear Canyon Neighborhood Plan* (1984), and the *City's Plan Tucson* (2013). Key policies are summarized below; a complete policy listing is provided as Attachment E.

Bear Canyon Neighborhood Plan (1984): The purpose of the *Bear Canyon Neighborhood Plan* is to provide land-use policy direction and design guidelines for new commercial

development within the *Plan* boundaries. The policies and implementation techniques applicable to nonresidential development intend to satisfy a goal to provide commercial development which is quality designed, services the local area, and is conveniently located. The *Plan* encourages new commercial development to be integrated with other adjacent commercial uses, and located at the intersections of arterial streets. Commercial development should utilize design guidelines consistent with surrounding commercial development and implement landscaping that buffers commercial uses from residential areas. The *Plan* supports community commercial uses which meet the retail and service needs of the area and those that are located in a shopping center, oriented to the interior of that center.

The *Bear Canyon Neighborhood Plan* General Development Map shows commercial uses for the subject site as well as the surrounding area. The proposed plan amendment would not alter the Bear Canyon General Development Map or the *Plan*'s Neighborhood Community Center Development Plan (Attachment F).

Plan Tucson (2013): *Plan Tucson* supports appropriate locations for commercial uses, with priority for development within existing urbanized areas. The Future Growth Scenario Map in *Plan Tucson* designates the area as a "Mixed-use Center". 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. *Plan Tucson* supports community commercial uses located at the intersections of arterial streets and encourages infill development of vacant properties adjacent to existing commercial uses. It encourages development that is sensitive to the intensity and scale of surrounding development. Policies related to Job & Workforce Development and Tucson's Business Climate support locally-owned commercial uses that provide jobs as well as locally-produced goods and services. The proposed plan amendment would align with the Future Growth Scenario Map's vision as well as policies within *Plan Tucson*.

Findings:

It is recommended that the Planning Commission forward this item to Mayor and Council with a recommendation to amend *the Bear Canyon Neighborhood Plan* by amending Nonresidential Implementation Technique 11.b, by adding a new Section b.3., based on the findings below:

1. The request is Consistent with *Plan Tucson*.
2. The site is constrained by its configuration and a recorded access easement that bisects the site in the north one-half.

3. Implementation Technique 11 provides significant policy guidance related to business activity orientation, building compatibility with the surrounding commercial center, and enhanced landscaping, all of which will mitigate the potential impacts of a community commercial user on this site.
4. By reducing the required setbacks on the site, more parking and business activity will be forced to the north of the building and may result in a less intense usage between the scenic route and the building.
5. The proposed setback brings the building more in line with the buildings to either side, which from an urban design perspective, creates a more formal and consistent street frontage.
6. The reduced setbacks to the residential zoning, still provide 360-foot and 370-foot setbacks to the nearest dwellings, consistent with the Plan's intent to protect residential properties.

Attachments:

A.1 and A.2: Context Maps

B: Zoning and Land Use Map

C: Site Constraints

D: Proposed Setbacks

E: Land Use Policies

F: *Bear Canyon Neighborhood Plan* General Development Map