



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

## Preliminary Report

October 9, 2015

Jim Egan  
Heights Properties  
6179 East Broadway Boulevard  
Tucson, AZ 85711

Kevin Petrick  
KDP Architecture  
11635 East Tanque Verde Road  
Tucson, AZ 85749

**SUBJECT: C9-15-05 Brake Masters, C-1 to I-2  
Public Hearing: October 1, 2015**

Dear Mr. Egan,

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 C9-15-05 Brake Masters – Old Vail 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 Jim Egan, on behalf of the property owners, Heights Properties, to rezone approximately 0.4 acres from C-1 to I-2 zoning. The rezoning site is located in the interior of Houghton Town Center, a developing regional shopping center at the southwest corner of Houghton Road and Old Vail Road. The preliminary development plan proposes a 5,000 square foot, eight bay automotive service center.

The rezoning site is the north half of an existing approximately 0.8 acre parcel in the interior of Houghton Town Center, an approximately 60 acre developing regional shopping center at the southwest corner of Houghton Road and Old Vail Road. Current zoning to the west, south, and east is I-2. Current zoning to the north is C-1. The proposed 5,000 square foot eight bay automotive service center will be a maximum of 30 feet tall, consistent anticipated future development of the surrounding parcels within the shopping center.

The rezoning site is approximately 250 feet south of Old Vail Road and 300 feet west of Houghton Road. Old Vail Road is identified as an arterial street with a 90 foot cross section on the *Major Streets and Routes Plan* map. Houghton Road is a scenic arterial route with a 200 foot cross-section. The intersection of Houghton Road was recently reconstructed to *Major Streets and Routes Plan* standards. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 18 vehicle trips per day.

The rezoning site is within a mostly vacant but currently developing regional shopping center anchored by an existing large retail establishment. Smaller pads within the shopping center, such as the subject site, will be developed with automotive service uses, retail uses, restaurants, personal services, office uses, and financial institutions as the center is built-out. Vehicular access to the rezoning site is via the shopping center's internal circulation system. No new roadways or other infrastructure are required. The site was mass-graded at the time the infrastructure was completed and will be landscaped in compliance with Unified Development Code requirements.

Land use policy direction for this area is provided by the *Esmond Station Area Plan* and *Plan Tucson*. The rezoning site is located within a business center as identified on the Future Growth Scenario Map of *Plan Tucson*. Business centers are major commercial or employment districts that act as major drivers of Tucson's economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses. Within business centers, *Plan Tucson* calls for 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.

The existing I-2/C-1 zoning line predates development of Houghton Town Center and the subject parcel. Therefore the zoning line has no relationship to the parcel lines, driveways, drainageways, or other logical boundary. The minimum zoning required for an eight-bay automotive service center is C-2. Rezoning the C-1 portion of the development site to C-2 would result in split C-2/I-2 zoning on the site. Rezoning from C-1 and I-2 to C-2 involves a down-zoning and would result in an island of C-2 zoning on the existing I-2/C-1 zoning line. Rezoning the C-1 portion of the site to I-2 is a simple extension of the I-2 zoning that already exists on the south half of the rezoning site.

**CONCLUSION**

The proposed development is in compliance with the *Esmond Station Area Plan* and *Plan Tucson* and is consistent with anticipated future development within the surrounding shopping center. Subject to compliance with the attached preliminary conditions, approval of the requested I-2 zoning is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of I-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 8/18/15, 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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

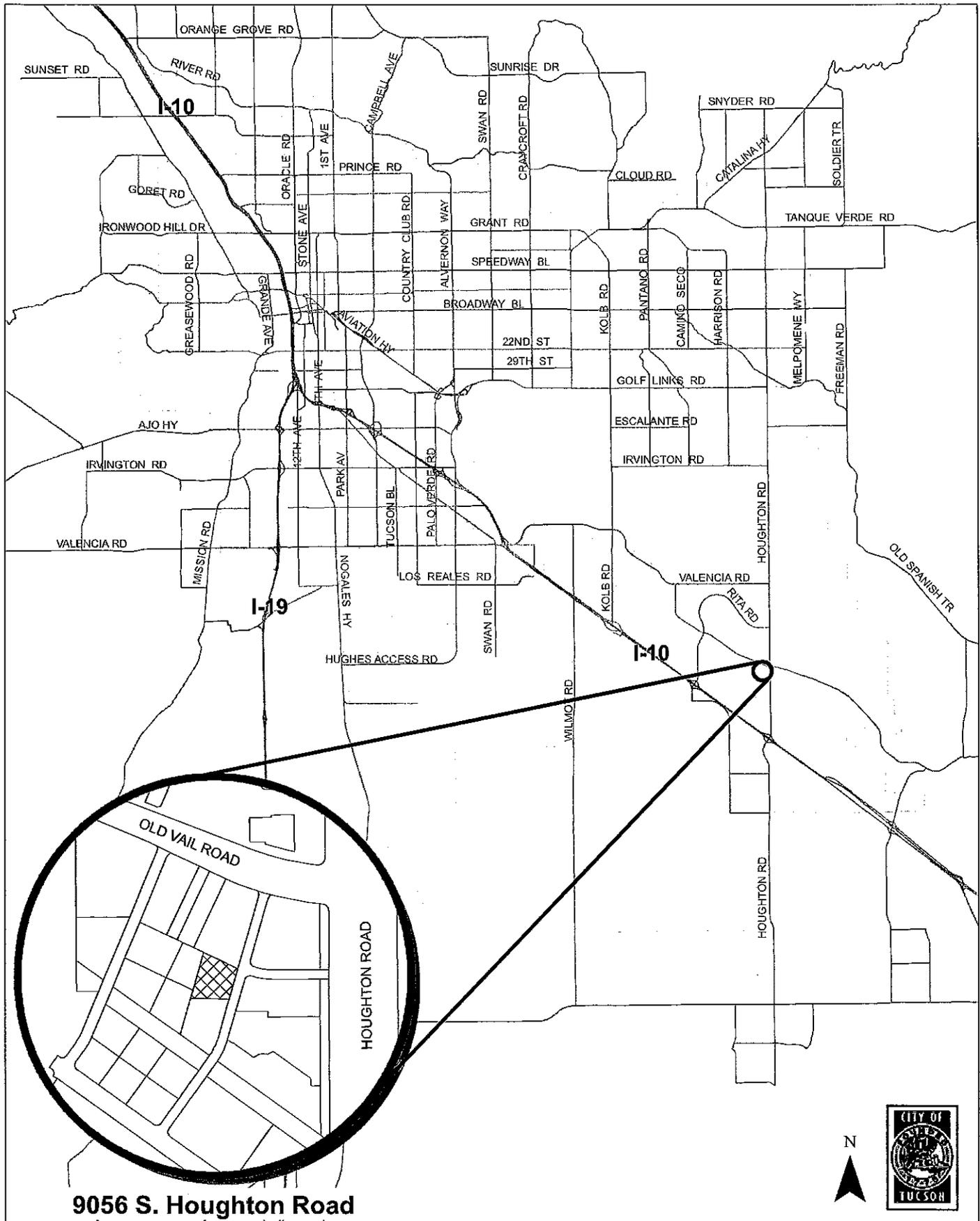
### LAND USE COMPATABILITY

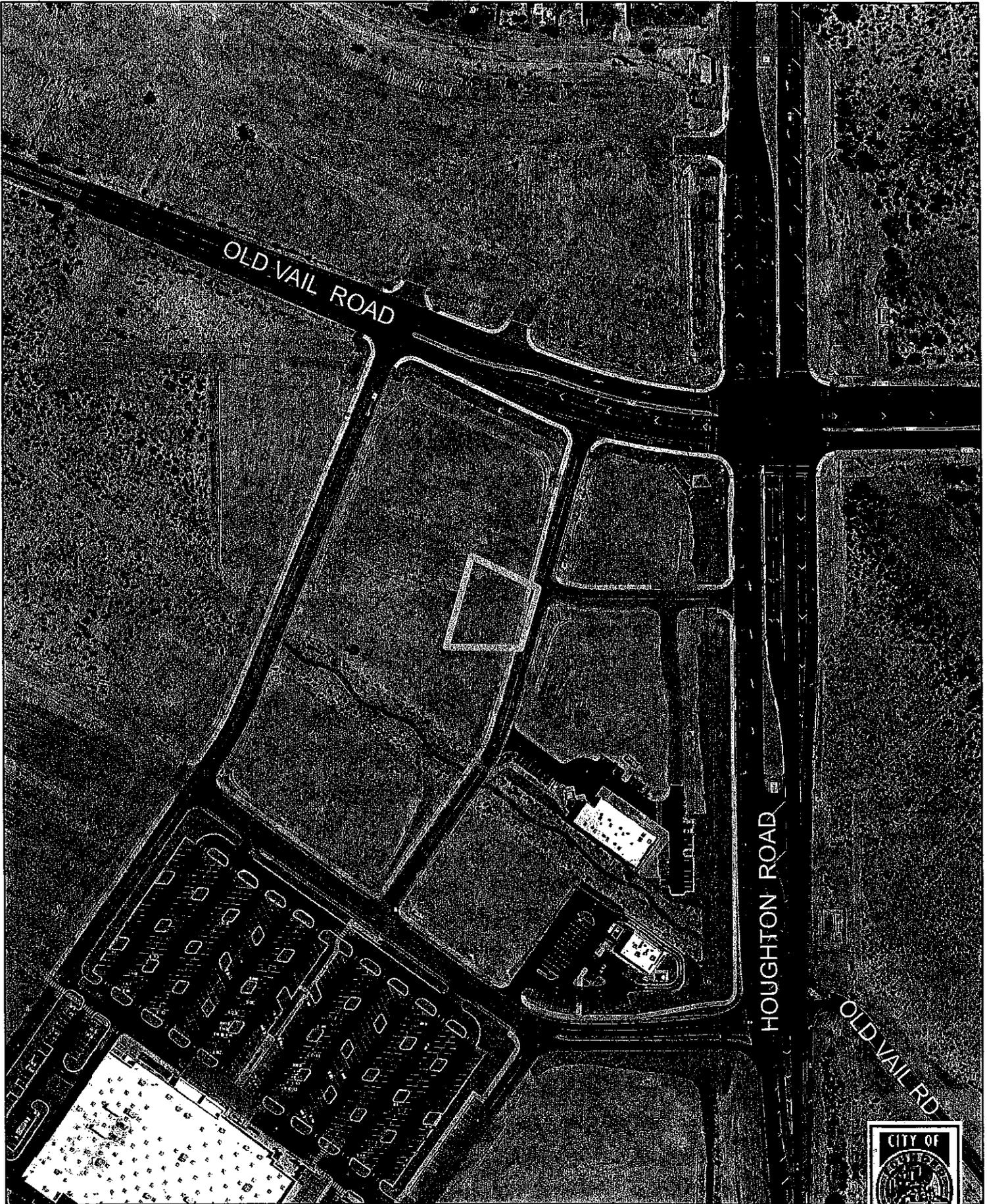
7. A "fair disclosure" statement indicating that certain types of military air and ground training activity occur at Davis-Monthan Air Force Base and that the subject property is located within Territory in the Vicinity of a Military Airport in accordance with state law, shall be included as part of any development plans, final plats, information brochures, and sales/rental agreements.

### DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

8. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition: Provide materials with building permit application and reference rezoning case number C9-15-05.

# C9-15-05 Brake Masters - Old Vail Road





OLD VAIL ROAD

HOUGHTON ROAD

OLD VAIL RD



**C9-15-05 Brake Masters - Old Vail Road**  
2014 Aerial

0 50 100 200  
Feet  
1 inch = 200 feet

