



PLANNING COMMISSION

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

DATE: April 17, 2024

TO: Planning Commission

FROM: Kristina Swallow, Director, Planning and Development Services
Executive Secretary

SUBJECT: **Concurrent Plan Amendment and Rezoning: *Bear Canyon Neighborhood Plan Amendment (TP-AMD-0124-00001)*, North Tanque Verde Road West of Bear Canyon Road – Community Commercial Use Public Hearing (Ward 2)**

Applicant's Request – This is a public hearing on an application for a proposed amendment to the *Bear Canyon Neighborhood Plan (BCNP)* Nonresidential Uses Implementation Technique 11.g, submitted by The Planning Center, on behalf of Mister Car Wash. The applicant is seeking relief from the policy requirement that select community commercial uses be completely contained within an enclosed and roofed structure as set forth in Nonresidential Uses Implementation Techniques 11.g. The application for the plan amendment applies to the subject parcel specifically and does not amend this requirement of other parcels.

The applicant is also requesting to use the concurrent plan amendment (TP-AMD-0124-00001) / rezoning (TP-ENT-0124-00001) process in which an application for a plan amendment and rezoning are reviewed concurrently. In addition to the proposed plan amendment, the applicant requests that the site be rezoned to a C-2 commercial zone. The applicant held a combined neighborhood meeting for both the plan amendment and rezoning request. The concurrent process includes review of the plan amendment request by the Planning Commission, including the required public hearing, as well as a review of the zoning request and public hearing by the Zoning Examiner. Each of these bodies reviews the application subject to their purview. Mayor and Council will then consider both requests at the same meeting.

Issue – The *BCNP* defines community commercial as retail business uses and services permitted in the second most restrictive zone (C-2) that do not include outside storage or display. The *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 more specifically section 11.g which requires that select community commercial be completely contained within an enclosed and roofed structure.

The applicant proposes the construction of a Mister Car Wash express car wash facility on Tanque Verde Road, approximately 400 feet west of Bear Canyon Road on an approximately 1.4-acre vacant property. The site fronts an arterial street and is surrounded by existing commercial uses and is a conglomerate of commercial uses, including a self-storage facility, a hardware store, a fuel service station with a convenience store that serves the surrounding neighborhood. While the car wash tunnel is fully contained with an enclosed and roofed

structure, other components, such as the payment kiosks and vacuum turbines and hoses, are not entirely contained or roofed. The applicant is seeking to amend the *BCNP* implementation technique and to meet the intent of this technique, which is to ensure that noise trespass is minimized, and the use is entirely screened from view. The applicant is proposing a natural landscape border with a custom-made screen and enhanced landscaping along Tanque Verde Road, with additional landscaping provided along the perimeter of the site and adjacent buildings.

Recommendation – Staff recommends that the Planning Commission recommend that Mayor and Council approve an amendment to the Bear Canyon Neighborhood Plan, Nonresidential Uses Implementation Technique 11.g as follows:

11.g. Completely contained within an enclosed and roofed structure, except as noted in 11.e, above.

- 1) **Exception for Parcels 114-51-200B and 114-51-200C which are exempt from Implementation Technique 11.g, and are subject to the following: All uses associated with an express car wash facility are to be screened from adjacent properties and streets by landscaping and decorative fencing or masonry wall.**

Public Contact - The applicant held the required neighborhood meeting on November 30, 2023 to discuss the concurrent amendment and rezoning for the proposed Mister Car wash at Tanque Verde Road and Bear Canyon Road. The meeting was held as a hybrid, both in-person at the Kirk-Bear Canyon Library, and virtual using the Zoom platform. The meeting began at 5:45 pm with one individual in attendance. The meeting was noticed at least 30 days in advance per the *UDC* using the mailing labels provided by the City of Tucson Planning and Development Services (PDS). The meeting also included staff from PDS as required by the *UDC* to answer any questions about the *Bear Canyon Neighborhood Plan* and the process for a concurrent amendment and a rezoning. The applicant also sent a follow-up email containing the presentation to other members of the public with an interest in the project. (See Attachment F).

Planning Commission Action – Planning Commission held a study session on March 6, 2024 in which a recommendation was voted on (7-0) in favor to set this item for a public hearing on April 17, 2024. Chair Wellott recused herself due to a conflict of interest. Commissioner Chris Ortiz y Pino served as acting chair for this item in study session.

Additional Information Relating to Planning Commission Discussion – The applicant has provided additional background information and revised documents (Attachments B, C, and G) as it relates to questions brought up during the Planning Commission discussion of the proposed amendment. These questions centered around the issue of canopies over vacuum stalls and the placement of the vacuum stalls. The applicant has clarified canopies will not be provided over the vacuum stalls. And, as to why the placement of the vacuum stalls could not be on the north

side of the proposed car wash building, the site design needs to meet the policy direction of the *BCNP* for a 100-foot building setback from the scenic corridor. The site plan was configured to position the building as far away from the scenic corridor while maintaining adequate space for vehicular circulation and vehicle queueing/stacking.

Additional questions were related to locating drainage basins in the Scenic Corridor Buffer Area in which the applicant in working with Planning and Development Services Department and prior to application submittal, deemed that these improvements were not appropriate and have since been removed.

A question was raised about the conceptual renderings shown during the study session as not representing the intent for proposed screening, nor did they accurately depict the existing ‘natural’ condition of the scenic corridor buffer area. These renderings have been updated to now conceptually illustrate the proposed landscaping and screening and, ultimately, how the project will mitigate any visual impact from the proposed amendment to the *BCNP*. The area between vacuum stalls and 30-foot natural buffer area will be planted per the provisions outlined in UDC Section 7.6 and will feature drought-tolerant plant species.

Existing Zoning and Land Uses – The proposed amendment site is currently zoned C-1 and is vacant. The zoning and land use to the north, and immediately west is C-1 / self-storage facility; to the east is C-1 / hardware store, convenience store and gas station with car wash; to the south across Tanque Verde is C-1 with retail and office uses.

Background - Three 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.

The third plan amendment, adopted October 23, 2018 (Resolution 22958), amended the Bear Canyon Neighborhood Plan by reducing the building setbacks for community commercial uses on Parcel 114-51-218A only to 60 feet from the Scenic Corridor Zone and to 200 feet from properties zoned for suburban and low-density residential development.

It should be noted that there have been three areas within the Bear Canyon Shopping Plaza, west of Catalina Highway that have been rezoned to C-2. These rezonings were: adaptive reuse of an existing shopping center; tire repair shop, and a brake repair shop.

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 in Attachment F.

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 (Attachment D). 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.

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 "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*.

BCNP, Implementation Technique 11., Community Commercial Uses – The concurrent plan amendment and rezoning is for a new express car wash to serve the Tanque Verde Valley, which the applicant has identified as lacking a facility with sufficient capacity to serve the residents in the area. The proposed car wash requires C-2 zoning. The *Bear Canyon Neighborhood Plan* permits community commercial uses (C-2 zone) at the proposed site near the northwest corner of Tanque Verde Road and Bear Canyon Road as identified on the *Plan's*

Bear Canyon General Development Map. The *BCNP* establishes location and design elements in which to consider community commercial uses.

11. Consider community commercial uses which are:

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

The proposed Mister Car Wash facility provides the area with an express car wash facility capable of cleaning multiple cars, a service that is lacking in the immediate area and the larger Tanque Verde Valley.

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

- i. Building is located a minimum of 100 feet from the right-of-way of a scenic route.*
- ii. Building is located a minimum of 350 feet from suburban and low-density residentially zoned land parcels.*

The proposed car wash is in a commercial area established by the *BCNP* that consists of a conglomerate of commercial uses, including a self-storage facility to the north and west, a hardware store, and fuel service station with a neighborhood convenience store to the east. The neighborhood center is configured in a way that proposed car wash is tucked away from Tanque Verde Road, up against the self-storage facility. The proposed car wash facility buildings are setback over 100 feet from the Tanque Verde Road, a scenic route. There is commercial zoning and business to the south across Tanque Verde Road as well with the proposed project meeting the 350-foot setback from suburban/low density residential.

c. Designed in conformance with the following elements:

- i. Masonry and landscaping screen be provided where appropriate to abate noise and eliminate negative impacts on surrounding uses.*

A masonry wall currently exists along the northern and western property lines and will remain as the site is developed. The proposed car wash tunnel and vacuum turbines will be housed inside structures made of masonry and other abating materials to both screen from view and reduce noise impacts. Landscaping will be provided throughout the site and adjacent to the roadway to further mitigate noise impacts and screen the use.

- ii. Enhanced landscaping (trees, shrubs, and ground cover) be provided around the building/perimeter or pad.*

Landscaping will be provided around the building to complement its architecture and enhance the site's appearance.

- iii. *Building color, façade, and signage be designed to be compatible with related shopping center.*

The building is designed to complement the surrounding commercial development using similar architectural features, materials, and finishes. Signage will be integrated into the building and the site in a similar manner to the surrounding commercial uses.

- iv. *Primary access must be available from two (2) arterial streets fronting a shopping center.*

Access to the neighborhood center is provided from Bear Canyon Road and Tanque Verde Road. However, due to separate ownership, utility and drainage easements, and conflicts with vehicular maneuverability and existing loading zone, the site's ability to connect to Vear canyon is severely limited. As such, this project, like the self-storage facility will be entirely access from Tanque Verde Road.

- d. *Uses not involving billboards.*

No billboards are proposed for this development.

- e. *Uses not involving outside storage or display of merchandise or goods except:*

- i. *Plant nurseries and*
- ii. *Home improvement rental equipment and supplies*

Both exceptions are to be screened from adjacent properties and streets by landscaping and decorative fencing or masonry walls. Landscaping and screening plans for outside storage or display areas will be submitted to the Master Neighborhood Association for review and comment.

No outside storage or merchandise displays are proposed as part of this development.

- f. *Not noise intrusive.*

The facility is designed to protect neighboring businesses from noise intrusion by siting the car wash building towards the center and rear of the property and placing the vacuum turbines in 6-foot, tall masonry enclosures. As demonstrated in the accompanying noise study (Attachment B - Design Compatibility Report, Appendix A) the proposed car wash would not create noise levels above 70 decibels, and is compatible with its surroundings, and would comply with the City's noise standards.

- g. *Completely contained within an enclosed and roofed structure, except as noted in 11.e, above*

While the car wash tunnel is fully contained within an enclosed and roofed structure, other components of the car wash facility operation, such as the payment kiosks and the vacuum turbines and hoses, are not entirely contained or roofed.

Specific to this request, the proposed amendment language is in bold:

g. *Completely contained within an enclosed and roofed structure, except as noted in 11.e, above.*

- 2) Exception for Parcels 114-51-200B and 114-51-200C which are exempt from Implementation Technique 11.g, and are subject to the following: All uses associated with an express car wash facility are to be screened from adjacent properties and streets by landscaping and decorative fencing or masonry wall.**

Discussion – The goal of the *Bear Canyon Neighborhood Plan* is to guide future development within the area, and more specifically, to promote nonresidential development in appropriate locations where similar uses exist. *BCNP* calls to locate commercial uses at the intersections of major streets where commercial uses already exist. Mister Car Wash is proposing an express car wash facility on a vacant site at the northwest corner of the Bear Canyon and Tanque Verde intersection. The site fronts an arterial street and is surrounded by existing commercial uses and is a conglomerate of commercial uses, including a self-storage facility, a hardware store, a fuel service station with a convenience store that serves the surrounding neighborhood. While the *Plan* identifies that the present areas of Bear Canyon Road, Catalina Highway, and Tanque Verde Road should be considered local Neighborhood Centers, it also acknowledges that some of these nonresidential needs will include more intensive zoning classifications as found in community commercial uses. The *BCNP* Nonresidential Implementation Techniques have been modified/amended over the years to better refine the locational and design elements for siting community commercial uses within the area. *BCNP* provides land use policy direction that allows for community commercial development to be incorporated into these centers with locational and design elements that encourage quality-designed and architecturally compatible commercial development to serve the neighborhood needs.

Previous amendments to the *BCNP* have allowed for a tire repair shop, and a brake repair shop with the amendments qualifying the location of these community commercial uses, either in the case of the tire shop at the interior of the shopping center located minimum 350 feet from suburban and low-density residentially zoned land; or as an exception at the exterior of the shopping center along Tanque Verde Road reducing the setback to a minimum of 60 feet from the scenic route right-of-way and a minimum of 200 feet from suburban and low-density residentially zoned properties. The *BCNP* and amendments have allowed for further refinement of the Implementation Techniques to guide the location of community commercial uses in providing for nonresidential needs of the area.

The applicant is proposing a new express car wash to serve the Tanque Verde Valley, which currently lacks a facility with sufficient capacity to serve residents in the area. No residences abut the property, as the car wash is surrounded by commercial development on three sides and a major arterial street to the south, with commercial development to the south of the arterial. While the proposed amendment seeks relief from Implementation Technique 11.g of having the payment kiosks and the vacuum turbines and hoses not entirely contained or roofed, it also provides for design elements that are consistent with the *BCNP* such as enhanced landscaping and screening around the site perimeter to abate noise and eliminate negative impacts on surrounding uses. The single-tunnel car wash is located at the rear of the site up against an existing self-storage facility with the building over a 100-feet from Tanque Verde Road. All vacuum motors will be in concealed enclosures, which significantly minimizes noise, with canopies covering the vacuum bays to shade and further conceal. The site will have a 30-foot natural border along Tanque Verde Road with extended enhanced landscaping and screening for compatibility and to mitigate noise. The project will include drought-tolerant vegetation and rainwater harvesting basins throughout the site in parking and landscape areas. There will be additional theming elements incorporated into the site such a decorative screen north of the natural landscape border. The screen will help contribute to the aesthetic delineation for travelers entering the equine district to the west.

Conclusion - Staff recommend the Planning Commission forward this item to Mayor and Council to approve an amendment to the Bear Canyon Neighborhood Plan, Nonresidential Uses Implementation Technique 11.g as follows:

11.g. Completely contained within an enclosed and roofed structure, except as noted in 11.e, above.

- 3) Exception for Parcels 114-51-200B and 114-51-200C which are exempt from Implementation Technique 11.g, and are subject to the following: All uses associated with an express car wash facility are to be screened from adjacent properties and streets by landscaping and decorative fencing or masonry wall.**

Attachments:

- A. Location and Aerial Maps
- B. Revised Design Compatibility Report and Amendment Narrative
- C. Revised Preliminary Development Plan dated April 3, 2024
- D. Proposed Amendment to *BCNP*, Implementation Technique 11.g
- E. Neighborhood Meeting Summary
- F. Land Use Policies
- G. Revised Conceptual Renderings dated April 3, 2024