



# MEMORANDUM

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DATE: April 9, 2024  
For April 24, 2024 Hearing

TO: John Iurino  
Zoning Examiner

FROM: Kristina Swallow   
Planning & Development Services  
Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
TP-ENT-0124-00001 Mister Car Wash – Tanque Verde  
C-1 to C-2 (Ward 2)

Related Plan Amendment: TP-AMD-0124-00001 Bear Canyon Neighborhood Plan

**Issue** – This is a request by The Planning Center to rezone approximately 1.39 acres from C-1 (Commercial) to C-2 (Commercial) zoning. The rezoning area, which includes two vacant parcels, is located on the north side of East Tanque Verde Road, approximately 400 feet east of the intersection of Tanque Verde Road and Bear Canyon Road, on the north side of the road. Tanque Verde Road is identified in this area as a Scenic Arterial Roadway in the *Major Streets and Routes Plan*.

The preliminary development plan (PDP) proposes a one-story building, 30 feet high with a building footprint of 5,433 square feet, and a separate covered payment kiosk 18 feet in height. The building would be constructed for a new Mister Car Wash location. While Automotive: Minor Service and Repair is a permitted use in a C-1 zone, the use is subject to use-specific standard UDC 4.9.4.F.1 stipulates that “Auto washing is prohibited.” A rezoning to C-2 is necessary to allow the placement of a new Mister Car Wash at this location.

**Public Outreach** – On Thursday, November 30, 2023 at 5:45pm the applicant team held a neighborhood meeting at the Kirk-Bear Canyon Library at 8959 E Tanque Verde Road for the rezoning to C-2 and related Plan Amendment case concurrently.

The meeting was noticed 30 days in advance using mailing labels provided by PDSO. A second notice was sent on November 16, 2023 at the request of a neighborhood property owner, providing an opportunity for individuals to participate in the Neighborhood Meeting via Zoom. PDSO staff were present at the meeting to answer questions pertaining to the concurrent plan amendment and rezoning process.

One person attended the meeting to gain information about the proposal. After the applicant team shared the site’s location and the proposed facility, the attendee expressed support. After 30 minutes, no members of the public joined in-person or online, and the meeting ended at 6:15pm.

The concurrent process includes the applicant attending a Planning Commission study session and public hearing, then a Zoning Examiner public hearing prior to Mayor and Council hearing both of these requests at the same meeting.

**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:

*Existing:*

Commercial 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.

*Proposed:*

Commercial 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 may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

The surrounding zoning in all four directions is C-1.

North: Self-storage Facility

East: Gas Station, Hardware Store

South: Tanque Verde Road, a 150-foot right-of-way, with a shopping center opposite.

West: Driveway for self-storage, with townhomes directly behind it.

Previous Cases on the Property: None.

Related Cases:

TP-AMD-0124-00001, concurrent plan amendment modifying BNCP implementation technique 11.g to allow for outdoor uses associated with an express car wash, provided they are screened from adjacent properties and streets by landscaping and decorative fencing or masonry wall.

C9-19-02, C9-92-25, C9-88-11, three previous rezoning cases in the Bear Canyon Neighborhood Plan area, which all required a concurrent plan amendment. In all cases, a rezoning to C-2 was required to permit a brake shop, tire shop, and shopping center.

**Applicant's Request** – C-2 (Commercial) zone is requested for development of a new Mister Car Wash location.

**Planning Considerations** – *Plan Tucson* and the *Bear Canyon Neighborhood Plan* provide policy direction for the rezoning site.

Plan Tucson:

The project site is located in an area identified on Plan Tucson’s Future Growth Scenario Map as Mixed-Use Center building block. Mixed-Use Corridors combine housing options, retail, services, and public gathering places all located in proximity to each other, providing surrounding neighborhoods with a variety of goods and services.

The project proposal satisfies the need for sensitively designed infill development, and through building setbacks, landscaping and aesthetically design preserves the visual and aesthetic appeal of the Tanque Verde Scenic Arterial. It is appropriately located in proximity to an agglomeration of neighborhood and community commercial uses surrounding the intersection of Tanque Verde and Bear Canyon roads.

Bear Canyon Neighborhood Plan:

*Bear Canyon Neighborhood Plan* implementation technique 11 contains the following language relevant to this rezoning case:

Implementation Technique 11. Consider select community commercial uses which are:

**11.e** Uses not involving outside storage or display of merchandise or good except:

- 1) Plant nurseries and
- 2) 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.

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

The related Plan Amendment application seeks to modify Implementation Technique 11.g to read:

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

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

The proposal provides a 30-foot scenic buffer from Tanque Verde, and offers a currently unmet commercial need, as there are no comparably sized car wash facilities in the neighborhood plan area. The car wash will be in an established commercial area, infilling two currently undeveloped parcels flanked by retail and personal storage land uses. The development area is contiguous with a variety of non-residential uses centered on the nearby intersection of Tanque Verde Road and Bear Canyon Road. This area is an area established by the *Bear Canyon Neighborhood Plan* Neighborhood Community Center Development Plan as an agglomeration of commercial uses.

The car wash structure will be located over 100 feet from the Tanque Verde right-of-way and is more than 350 feet from suburban and low-density residentially zoned parcels. The only residential zoning within

350 feet of the subject parcels was authorized to be rezoned to R-3, a high-density urban residential zone. This rezoning case, C9-21-14, once effectuated will ensure that there are no low-density residential parcels within 350 feet.

The building will be designed with colors and materials complementary to the surrounding commercial development, with landscaping and screening. A noise study indicates the site configuration, materials, and masonry enclosures for mechanical equipment will effectively mitigate noise impacts and sufficiently screen the use.

### **Design Considerations**

The preliminary development plan depicts the car wash in the rear of the rezoning area, and a 30-foot landscaped buffer between the use area and right-of-way. Further, the border between the car wash area and the scenic buffer includes a decorative fence designed to resemble a hitching post, reflecting the historic ranching and equestrian activity in the Tanque Verde area. This allows the express car wash to be located on the subject parcels while meeting the intent of Implementation Technique 11.e.

Land Use Compatibility – The rezoning request to C-2 is to allow the construction of a new Mister Car Wash location on two vacant parcels. The preliminary development plan shows the car wash tunnel set back over 100 feet from the right-of-way, with additional landscaping and screening behind the required 30-foot natural border on the south side of the project site. Landscaped common areas surround the site, containing native drought tolerant species and rainwater harvesting basins.

The car wash tunnel building is 30 feet tall, designed with colors and materials complementary to local desert aesthetics, as well as in conformance with the Mister Car Wash company color palette.

There is a covered payment kiosk set behind the car wash tunnel. There are 15 vacuum bays south of the tunnel, with mechanical equipment contained in masonry enclosures. There are two additional parking spaces without vacuum equipment, for a total of 17 spaces. Solid waste and recycling are enclosed at the southwest corner of the car wash building.

The site is flanked on the east, west and north by a range of commercial uses including personal storage, gas station/convenience store, and retail.

The anticipated traffic counts are 20 trips during the a.m. peak hour, 39 trips in the p.m. peak hour, and 775 total daily trips. The level of service for surrounding roads will remain unchanged. All vehicle maneuvering is to be performed on-site, and no traffic improvements are proposed.

Signage and Outdoor Lighting – The project will comply with the outdoor lighting code, and all onsite lighting will be shielded and directed downward. No bright lights or spotlighting will be installed. Final lighting types and locations will be detailed in the development review process.

Signage on the property will be subject to sign standards of the Unified Development Code and will be consistent with other Mister Car Wash locations. Typical signage includes a large logotype on the main building's façade and a monument sign placed near the driveway.

Drainage/Grading – The project site is relatively flat, and the topography is not expected to change apart from reconfiguration of the parking area and driveways.

Road Improvements/Vehicular Access/Circulation – This project will have access from Tanque Verde Road only. All circulation is to be performed on-site, and the car wash tunnel is traversed from west-to-east, with the open ends of the tunnel facing perpendicular the Scenic Arterial right-of-way, facing other commercial land uses.

Two new curb cuts will provide ingress and egress to Tanque Verde Road. A new sidewalk will connect to the existing sidewalks along Tanque Verde Road. No other improvements are proposed.

Per UDC standards, 0 parking spaces are required, and 17 are provided. Bicycle parking spaces are not indicated in the design compatibility report materials or preliminary development plan.

**Conclusion** – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson*. It is also compliant with the *Bear Canyon Neighborhood Plan* except for implementation technique 11.g, and the applicant has submitted a concurrent plan amendment application. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated April 3, 2024, and required reports, are 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 (l) 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. Cultural Resources – a Class III survey report must be submitted to the City's Historic Preservation Officer prior to the commencement of any grading/trenching/digging on the site.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
7. Pima County Wastewater Reclamation provides the condition that 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. "

8. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, no Notice Criteria are exceeded. Applicants are therefore not required to file FAA Form 7460. However, if the use of cranes is anticipated during development and construction activities, the applicant must file FAA Form 7460 at least 45 days in advance of such use, to provide the applicant with sufficient time to respond to any concerns identified by the FAA. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

#### LAND USE COMPATIBILITY

9. Building height is a maximum of 30 feet.
10. Services and activities shall be limited to the hours of business and lighted signs, vacuums, dryers, and other noise generating mechanical equipment shall be turned off during non-business hours.
11. Hours of operation shall not exceed 7:00 am to 7:00 pm daily.
12. All noise-producing equipment shall be housed inside a fully enclosed equipment room, including the vacuum turbine motors for the outdoor vacuum stations.
13. Commercial building to provide cool roofs. New and replacement roofing materials must demonstrate a high albedo level (>60 Solar Reflectance Index) or utilize other cool roof technology per the ICC Green Construction Code.

#### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

14. All offsite improvements required with the development, such as street improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation and Mobility.
15. New curb returns on East Grant Road shall have a 20-foot radius.

#### ENGINEERING

16. Critical basin detention must be met as a condition of rezoning.
17. Each ingress/egress must meet specific requirements:
  - a. 25-foot curb returns
  - b. New concrete curb per PAG standard 209 (match existing)
  - c. New curb access ramps at each curb return per PAG standard 207

- d. Tie-in to existing sidewalk per PAG standard 203, match existing width
  - e. Curb cut (entrance width) maximum of 35 feet. If wider, a pedestrian refuge will be required.
  - f. Asphalt used in the ROW shall be TDOT Mix No. 2 with TR22
18. At least one sidewalk is required to connect the onsite circulation path to the sidewalk in the ROW.
19. Where adjoining sidewalk from the property ties to sidewalk along the ROW frontage, a 5x5' ADA landing is required.



TP-ENT-0124-00001 from C-1 to C-2



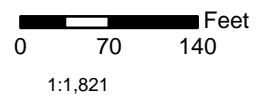
BEARS PATH RD

BEAR CANYON RD

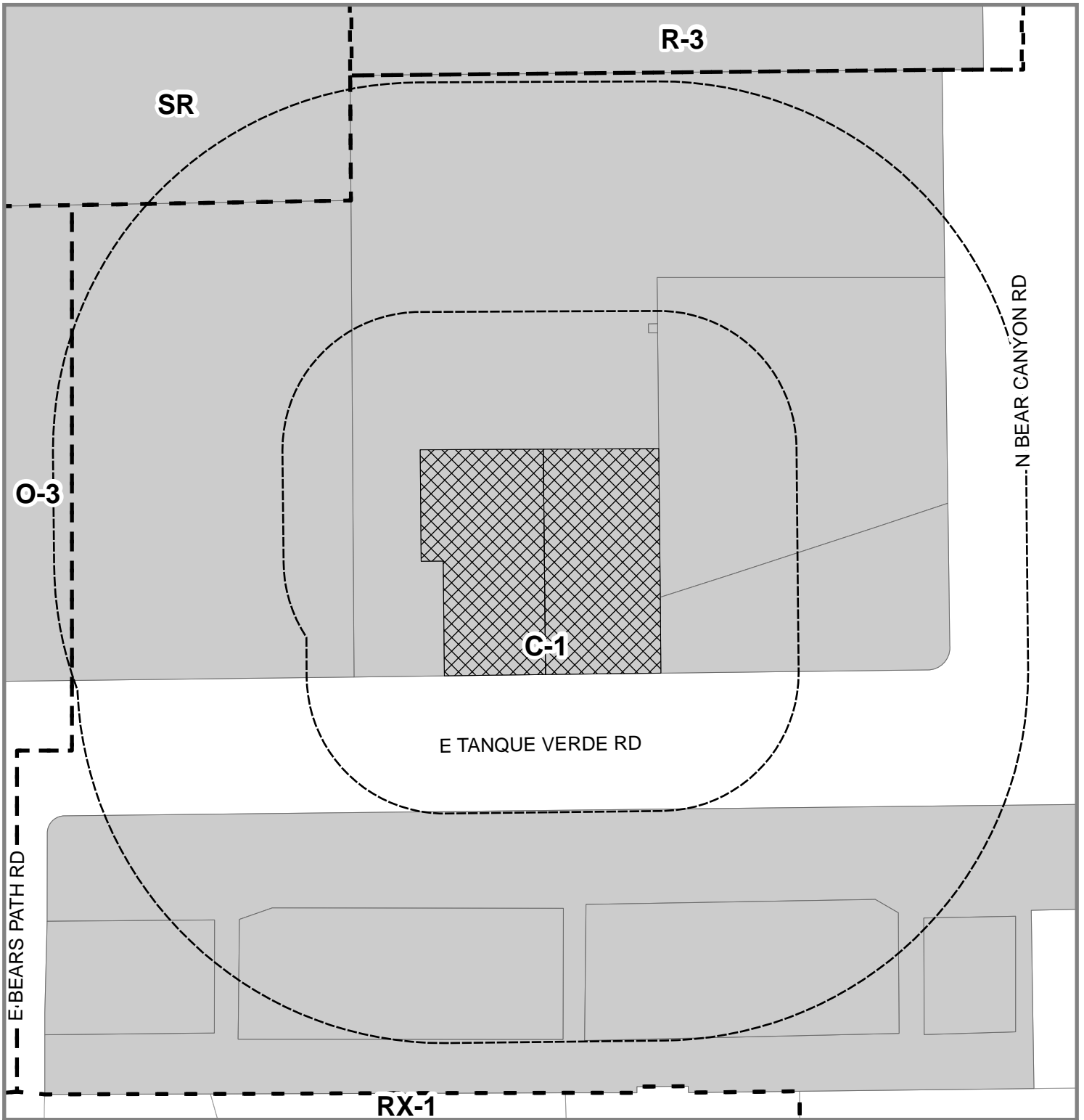
TANQUE VERDE RD

 Area of Rezoning

Address: No Address on Record  
Base Maps: Twp. 1303 Range 1502 Sec. 34  
Ward(s): 2



TP-ENT-0124-00001 from C-1 to C-2



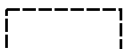
Area of Rezoning



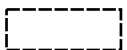
Zone Boundaries



Properties Notified



400' Notification Area



Protest Area (150 ft. Radius)

Address: 8701 E TANQUE VERDE RD  
Base Maps: Twp. 1303 Range 1502 Sec. 34  
Ward(s): 2

0 70 140 Feet

1:1,821



## CITY OF TUCSON PUBLIC HEARING NOTICE

The Zoning Examiner will hold a Public Hearing on **April 24, 2024, at or after 6:00 P.M.** to consider proposals to the properties at the locations indicated below. Copies of the proposed requests can be obtained from the City of Tucson Planning & Development Services Department Rezoning Section, located at 201 North Stone, Tucson, Arizona. If you have any questions, please contact the Rezoning Section at 520-791-5550.

**MEETING NOTE: This meeting will be held virtually, as permitted under Arizona law. The public hearing discussions, deliberations and actions of the Zoning Examiner are transparent and conducted openly.**

**THIS MEETING IS VIRTUAL ONLY, NO IN-PERSON ATTENDANCE.**

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each rezoning in the City of Tucson. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all rezoning requests.

Please join the Zoning Examiner hearing from your computer, tablet, or smartphone. Members of the public may view, listen to, and participate in the hearing online by going to the Zoning Examiner website and clicking "Join Meeting" at the top of the page. The Zoning Examiner website may be accessed at the following location:

**<https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner>**

You can also dial in using your phone.

United States: +1 346-248-7799 Meeting ID: 824 9464 9853# Passcode: 281408

If you encounter difficulty accessing the hearing please email [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov) for technical assistance.

The public has the following options to provide comment to the Zoning Examiner:

- 1) Members of the public may submit written comments prior to the hearing by sending an email to [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov). The email should include the Zoning Examiner public hearing date, the case number or name, and your name. **Written comments must be received no later than 5:00 pm, April 23, 2024.**
- 2) Individuals wishing to speak during the hearing may join the hearing via teleconference and should submit a written request to [TucsonRezoning@tucsonaz.gov](mailto:TucsonRezoning@tucsonaz.gov). **Written requests should be received by no later than 5:00 pm, April 23, 2024.** The email should include the Zoning Examiner public hearing date, your name, and the phone number you will use for the teleconference. The phone number provided will be used to

identify the individual when/if being called upon to speak during the public hearing by the Zoning Examiner. Individuals wishing to speak but who did not submit a prior written request will be provided instructions by the Zoning Examiner at the time of the hearing on how to provide comments.

You may speak in favor or in opposition to the requests during the public hearing. You may also submit a written approval or protest.

**Case: TP-ENT-0124-00001 Mister Car Wash – E Tanque Verde Road, C-1 to C-2 (Ward 2)**

**Requested Change:** Rezoning from C-1 Commercial to C-2 Commercial for parcels 114-51-200C and 114-51-200B.

**Location:** 8815 E Tanque Verde Road, located 400 feet west of Bear Canyon Road on the north side of Tanque Verde Road.

**Proposed Development:** Rezoning of parcels from C-1 to C-2 for a drive-thru car wash facility.

**Notificación de Audiencia Pública del Examinador de Zonificación**

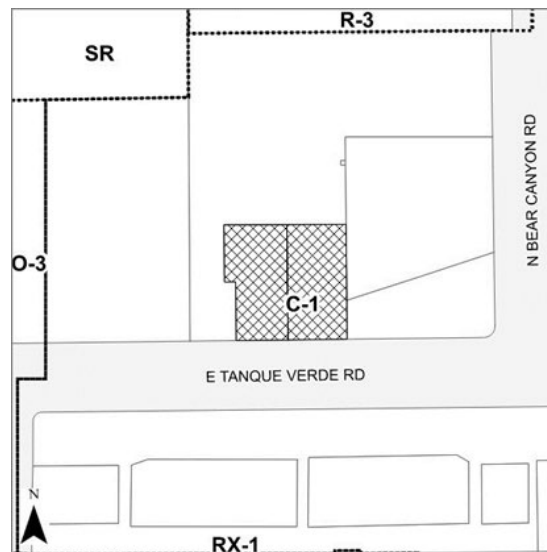
**Para oír y tomar en reconsideración el siguiente caso: TP-ENT-0124-00001 Mister Car Wash – E Tanque Verde Road, C-1 to C-2 (Ward 2)**

**Cambio de Zonificación Solicitada:** Rezonificación de C-1 Comercial a C-2 Comercial para las parcelas 114-51-200C y 114-51-200B.

**Ubicación:** 8815 E Tanque Verde Road, aproximadamente 400 pies el oeste de Bear Canyon Road y en el lado norte Tanque Verde Road.

**Desarrollo Propuesto:** Esta es una solicitud de rezonificación de parcela de C-1 Comercial a C-2 Comercial para una instalación de autoalmacenamiento.

*Si usted desea este documento escrito en español, por favor llame al número de teléfono: 520-791-5550*



**TP-ENT-0124-00001**

**PUBLISH: April 8, 2024 1/8 page display ad. Territorial**

## Approval – Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150’ of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150’, require an affirmative vote of <sup>3</sup>/<sub>4</sub> of the Mayor and Council (5 of 7 council members) to approve the Original City Zoning translation. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

**Case: TP-ENT-0124-00001 Mister Car Wash – Tanque Verde Rd, C-1 to C-2 (Ward 2)**

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Property Owner(s) (PLEASE PRINT)

- APPROVE the proposed rezoning/special exception  
 PROTEST the proposed rezoning/special exception

**Reason:**

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OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS

Date \_\_\_\_\_

Place  
Stamp  
Here

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

TP-ENT-0124-00001 GS

Expose this flap - Affix stamp and return

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

TP-ENT-0124-00001 GS

**IMPORTANT REZONING NOTICE ENCLOSED**