



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

May 8, 2024

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

Public Hearing: April 24, 2024

BACKGROUND

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 consists of two vacant parcels 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. 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. 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 which 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.

The Applicant has filed a concurrent application to amend one of the implementation techniques contained in the *Bear Canyon Neighborhood Plan*. If Mayor and Council approve that amendment, the subject rezoning request would be in compliance with the *Bear Canyon Neighborhood Plan*.

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PUBLIC HEARING SUMMARY

April 24, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the April 24, 2024 Zoning Examiner hearing. Nine persons spoke in opposition. Several of the speakers noted their opposition to the concurrent plan amendment. Other speakers raised issues concerning traffic and the visual impact from the now vacant property being developed. A few speakers stated that they did not believe they had received notice of the rezoning.

The Applicant addressed the concerns raised, noting that a Traffic Impact Analysis demonstrated that the proposed development would not have any substantial impact on area traffic conditions.

The PDSD file confirms that proper notice was given, and that notice was mailed to the registered representative of the Bear Canyon Neighborhood Association.

As of the date of the Zoning Examiner hearing, there were two (2) written approvals and one (1) written protest.

FINDINGS OF FACT

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.



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Surrounding Zones:

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

Surrounding Land Uses:

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.

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:

The rezoning site is located in an area designated for commercial use by the *Bear Canyon Neighborhood Plan*. As noted above, the Applicant has filed a concurrent application to amend one of the implementation techniques contained in the *Bear Canyon Neighborhood Plan*. If the Mayor and Council approve that amendment, the subject rezoning request would be in compliance with the *Bear Canyon Neighborhood Plan*.

The proposed car wash will be in an established commercial area, infilling two currently

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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.

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.

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.

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.



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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 facade 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, no 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 also complies with the *Bear Canyon Neighborhood Plan* except for a single implementation technique, and the Applicant has submitted a concurrent plan amendment application on that point. Subject to compliance with the preliminary conditions proposed by PDSD, approval of the requested rezoning is appropriate if the Mayor and Council approve the requested plan amendment.

RECOMMENDATION

The Zoning Examiner recommends approval of the requested rezoning if the Mayor and Council approve the requested concurrent plan amendment.



Zoning Examiner

Sincerely,

John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Public Hearing Minutes

Cc: Mayor and Council

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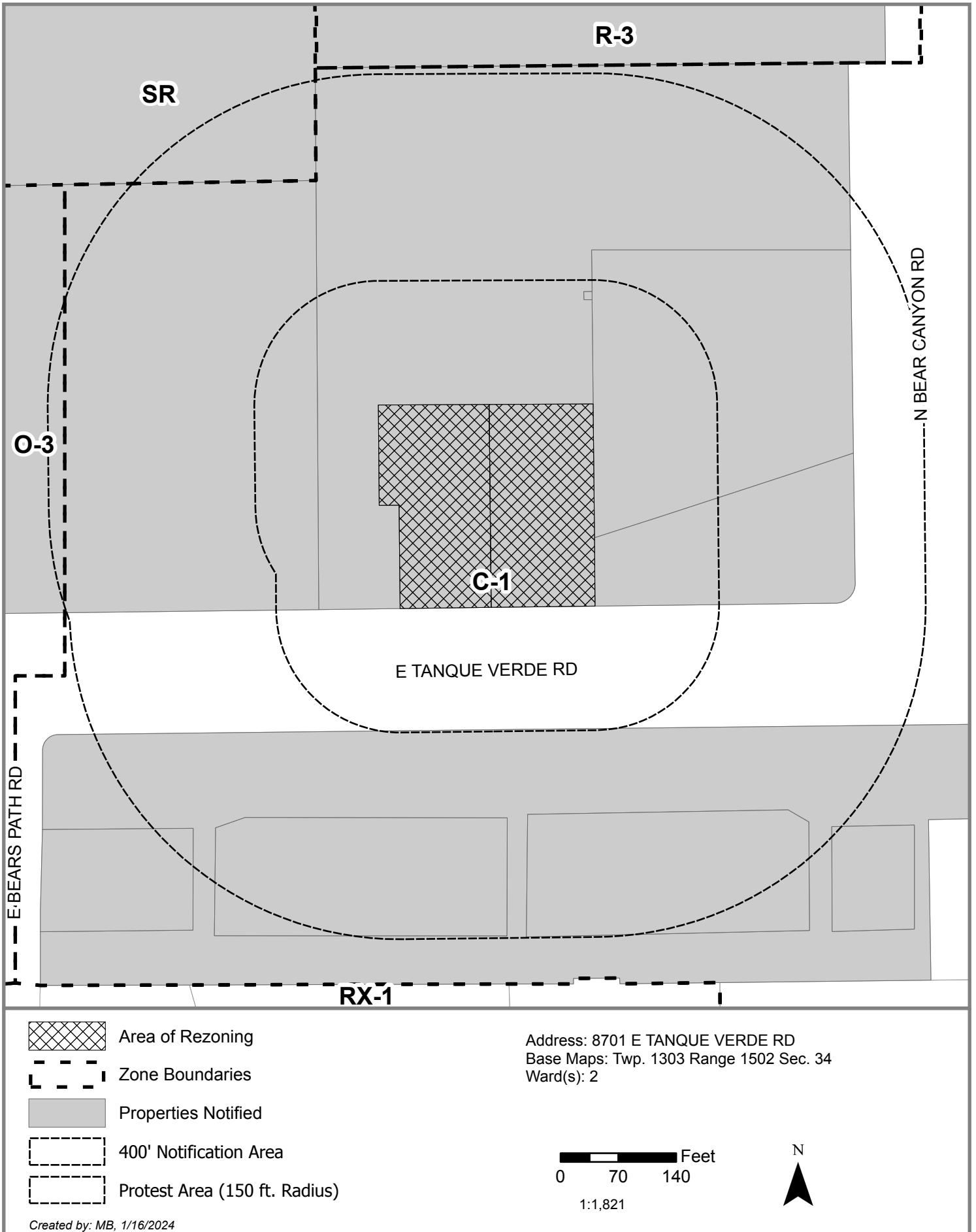
 Area of Rezoning

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

0 70 140 Feet
1:1,821



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



CITY OF TUCSON
ZONING EXAMINER PUBLIC HEARING

APRIL 24, 2024

Mister Car Wash/East Tanque Verde Road

ZONING EXAMINER:

- John Iurino

STAFF PRESENT:

- Gabriel Sleighter
City of Tucson
Planning and Development Services Department

APPLICANT PRESENT:

- Lexy Wellott
The Planning Center
2 East Congress Street, Suite 600
Tucson, Arizona 85701

1 ZONING EXAMINER: It's 6:00 o'clock so we'll get
2 started. Good evening everyone and welcome to tonight's Public
3 Hearing. My name is John Iurino. I'm the Zoning Examiner for
4 the City of Tucson. Tonight's zoning case is Case TP-ENT-0124-
5 00001, Mister Car Wash, 8815 East Tanque Verde Road.

6 As the Zoning Examiner, I conduct rezoning hearings on
7 behalf of the Mayor and Council, and make findings of fact which
8 I put into a written report, along with my recommendation, which
9 I then send along to Mayor and Council for their consideration
10 and for their final decision. My report will be based on the
11 information submitted to me, which includes the rezoning

1 application, the Staff Report, all written approvals and
2 protests, all correspondence, and the testimony given at
3 tonight's Public Hearing. I will also include in the record all
4 documents submitted to me up to the close of the Public Hearing.

5 Tonight's proceedings are being recorded, and the
6 recording will be posted on the Planning -- Planning and
7 Development Services' website. With that in mind, if you choose
8 to speak tonight, when I call on you to testify, I would ask you
9 to please speak clearly -- I try to do that also -- and begin
10 your testimony by stating your name and your address.

11 The process goes like this: First, I complete a
12 Preliminary Report within five working days after the close of
13 the Public Hearing. Then, I prepare a Final Report. The Final
14 Report will be issued two weeks after the close of the Public
15 Hearing. For those of you who wish to receive a copy of the
16 Preliminary Report, and are not a listed party on the case,
17 please send an email to Tucsonrezoning@tucsonaz.gov, again,
18 Tucsonrezoning@tucsonaz.gov, or call the Planning and Development
19 Services Department. A copy of the Final Report will be
20 available from the Planning and Development Services Department,
21 and I send the Final Report to the Mayor and Council. At the
22 scheduled Public Hearing on the case, the Mayor and Council will
23 then vote on the matter based on my recommendation, along with
24 other factors.

25 Tonight's Public Hearing will proceed in the following

1 manner: I will open the Public Hearing and ask Mr. Gabriel
2 Sleighter, of the Planning and Development Services Department,
3 to give a brief presentation of the case. After his
4 presentation, I will ask the Applicant to make his or her
5 presentation. I will then ask to hear from anyone in the
6 audience who wishes to speak. I will start by calling on anyone
7 who has sent in a request by email to be heard tonight -- and
8 we've had two requests -- and I will then call on others in the
9 audience who wish to speak after that. You can either just go
10 ahead and start talking and I'll call on you, or Zoom has the
11 hands you can raise and I'll look for those as well, but
12 whatever. Anyone who wants to speak tonight is welcome to
13 participate and everyone will be heard. I would ask that you
14 please wait for me to call on you to testify so we have a clear
15 record. Since I cannot have any communication with anyone
16 involved in the case outside of this Public Hearing, I do invite
17 you to speak tonight if you would like to do so. After everyone
18 in attendance has had an opportunity to speak, I will offer the
19 Applicant a chance to respond to any of the concerns or issues
20 that were brought up.

21 So, with these ground rules in mind, Mr. Sleighter,
22 would you please present the Staff Report?

23 MR. SLEIGHTER: Yeah. Thank you very much.

24 ZONING EXAMINER: Thank you.

25 MR. SLEIGHTER: So, this is a request for a

1 rezoning from The Planning Center to rezone about 1.39 acres from
2 C-1 Commercial to C-2 Commercial zoning. The rezoning area is on
3 East Tanque Verde Road, about 400 feet -- excuse me -- west of
4 the intersection of the Tanque Verde Road and Bear Canyon Road,
5 on the north side of the road. Tanque Verde is, in this area, a
6 scenic arterial roadway for the Major Streets and Routes Plan.

7 The Preliminary Development Plan shows a one-story
8 building 30 feet in height, with a separate covered payment kiosk
9 18 feet in height, and the building would be constructed for the
10 purpose of a new Mister Car Wash location. So, in a C-1 zone,
11 automotive minor service and repair is a permitted use. The use
12 is subject to some use-specific standards that impact the ability
13 of a modern sort of tunnel-style car wash to be located, and so a
14 rezoning to C-2 is necessary to allow the placement of the Mister
15 Car Wash.

16 The Applicant team held a neighborhood meeting for both
17 the rezoning, and a related concurrent Plan Amendment case, on
18 November 30th at the Kirk-Bear Canyon Library, 8959 East Tanque
19 Verde Road. It was noticed a full 30 days in advance using mail
20 -- mailing labels provided by PDSD. At the request of a
21 neighboring property owner, a second notice was sent on November
22 16th, 2023, providing an opportunity for individuals to
23 participate in the neighborhood meeting via Zoom and so the --
24 the meeting was held in a hybrid format.

25 PDSD Staff were present at the meeting to answer

1 questions pertaining to the Plan Amendment process and the
2 concurrent Plan Amendment for this case. One person attended the
3 meeting to gain information. The Applicant team shared the
4 site's location and proposed facility, and the -- the attendee
5 expressed support. After 30 minutes, no members of the public
6 joined either in person or online and the meeting was concluded.

7 The concurrent process includes the Applicant attending
8 a Planning Commission Study Session and Public Hearing, while
9 simultaneously pursuing the rezoning for the -- for the purposes
10 of constructing the car wash -- car wash at the project location.
11 The Planning and Development Services Department recommends
12 approval of the C-2 zoning, subject to preliminary conditions.

13 The -- the current land use, the site is vacant. It's
14 a -- it's a C-1 lot, it's undeveloped. The surrounding zoning in
15 all four directions is also C-1. To the north and west, there's
16 a self-storage facility; to the east, there's a gas station and
17 hardware store; to the south, there's Tanque Verde Road, the
18 scenic arterial; and then opposite Tanque Verde Road is a -- it's
19 a shopping center with multiple commercial uses.

20 The related case in this instance is TP-AMD-0124-00001,
21 a Plan Amendment running concurrently to modify one of the
22 noncommercial policies in the Bear Canyon Neighborhood Plan to
23 allow for outdoor uses associated with an express car wash,
24 provided they are screened from adjacent properties and streets
25 by landscaping and a decorative fence or wall.

1 Related to this, there have been three previous
2 rezonings and amendments to the Bear Canyon Neighborhood Plan, in
3 1988, 1992, and 2019; two of those were in areas visible from
4 Tanque Verde Road; one of them was on Tanque Verde Road, it's for
5 I think a brake shop; the second one is on the corner -- roughly
6 on the corner of Tanque Verde Road and, what is it, Bear Canyon
7 Road, and that was for a tire and auto shop; and the third was in
8 the shopping center north of Tanque Verde Road, between Bear
9 Canyon and East Catalina Highway, and I believe that was for a
10 higher-intensity commercial use within that -- within that
11 shopping center. And, in all three cases, the -- the rezoning
12 and Plan Amendment were approved.

13 Planning considerations for this location are Plan
14 Tucson and Bear Canyon Neighborhood Plan; they both provide the
15 policy in forming development at the site. In Plan Tucson, the
16 site is located in a mixed-use center building block. The intent
17 in Plan Tucson is for these areas to combine housing, retail
18 services, and public gathering places all within proximity to
19 each other, and to provide surrounding neighborhoods with a
20 variety of goods and services.

21 The project proposal, it satisfies the need for a
22 sensitively-designed infill development, and through building
23 setbacks, landscaping, and aesthetically -- aesthetically-
24 considerate materials and colors, it preserves the visual and
25 aesthetic appeal of the Tanque Verde scenic arterial. It is also

1 appropriately located in proximity to an agglomeration of
2 neighborhood and community commercial uses located around the
3 intersection of Tanque Verde and Bear Canyon Roads and out
4 towards Catalina Highway.

5 The Bear Canyon Neighborhood Plan has a variety of
6 nonresidential policies. I'll give a quick overview and show
7 that, you know, I found that the proposal was -- was aligned with
8 those policies. This is located at -- in the vicinity of an
9 intersection of major streets where commercial uses already
10 exist. It's next to a gas station and a hardware store on one
11 side; and then on the other side there's an A1 Family Self-
12 Storage. The area, including the subject parcel, is identified
13 in the Bear Canyon Neighborhood Plan as a neighborhood community
14 center development plan, and specific land use identified in that
15 plan is commercial for the project location.

16 Part -- excuse me -- Policy 2 in the Bear Canyon
17 Neighborhood Plan -- the area around those three major roads
18 should be considered a local neighborhood center, and the subject
19 parcel is in a designated commercial location in that community
20 center development plan.

21 Establishing additional commercial uses beyond what's
22 shown in the general development map in the Bear Canyon
23 Neighborhood Plan should be based on the need for additionally
24 (sic) commercially-zoned land; the site near the intersection of
25 arterial streets; and the integration of that proposed use with

1 other adjacent commercial uses and that adjacent uses are
2 adequately buffered from the proposed use. So, the proposed
3 development is within that commercial area and it satisfies the
4 development of existing vacant commercial land, and it's located
5 in a larger agglomeration of commercial services in the area;
6 and, again, with two other commercial uses flanking the site.

7 Neighborhood plan policy requires ingress/egress
8 exclusively at arterial streets, and this project proposes
9 ingress and egress only from Tanque Verde Road.

10 Nonresidential projects are encouraged to provide
11 architectural continuity with, and gradual transition to, the
12 surrounding residential. This isn't near any surrounding
13 residential, but, in terms of building size and setback from
14 Tanque Verde Road, this is consistent with the -- with the
15 flanking commercial uses.

16 The policy states that for the multipurpose government
17 center -- the library and the Sheriff's station are between Bear
18 Canyon and Tanque Verde, so it doesn't apply to this development.

19 Low-profile parking lot light fixtures. The
20 development is going to comply with City of Tucson and Pima
21 County lighting code concerning light infiltration.

22 Encouraging the new developments implement a landscape
23 plan. The project actually includes quite a bit of landscaping.
24 Looking at the PDP, if an area is not designated for vehicular
25 access or pedestrian access, it's -- it's landscaped virtually

1 everywhere else.

2 Policy 9 doesn't apply to this proposal.

3 Policy 10, the maximum building height is not to exceed
4 30 feet, and the height of the proposed car wash is 30 feet; the
5 height of the proposed payment kiosk, 18 feet.

6 Bear Canyon Neighborhood Plan Policy 11, commercial
7 uses are -- the goal is to be compatible in meeting the retail
8 and service needs of the Bear Canyon area. This area, with the
9 hardware store and the larger grocery store and this whole
10 agglomeration of commercial uses, it serves the Bear Canyon area,
11 as well as, you know, the neighborhoods north toward Catalina or
12 east toward the Rincons, and there's no current comparable
13 commercial use in the Bear Canyon area. They must be located in
14 a shopping center and oriented to the interior of that center.
15 It's not in a center, but it is oriented toward the back of the
16 parcel; and the parcel is set, again, between two commercial
17 uses. It's actually set further than 100 feet from the Tanque
18 Verde Road right-of-way, the car wash structure itself.

19 Policy 11.b.2), developments have to be located a
20 minimum of 350 feet from suburban and low-density residentially-
21 zoned parcels. There was recently a rezoning case in 2023 that
22 took some low-density residential land and combined it with
23 another R-3 property and upzoned the property to R-3, so there is
24 currently no lower-density residential within 350 feet of the
25 site.

1 Plan policy encourages design that uses masonry and
2 landscaping screen to provide noise abatement and negative
3 impacts to the surrounding areas. Again, the -- basically, the
4 entire boundary for this project has proposed landscaping,
5 including trees. There is a 24-foot landscape buffer behind the
6 30-foot natural landscape border required by the Major Streets
7 and Routes Overlay for the scenic arterial area, for a total of
8 about 54 feet of landscaping between the edge of the right-of-way
9 and the beginning of the vehicle use area for the self-service
10 car wash.

11 The Applicant has provided renderings demonstrating a
12 color scheme that satisfies the requirement of building colors
13 and facades to be compatible with related shopping centers. The
14 area is scenic and a lot of the colors in the development tend
15 towards those natural tones; and the Applicant's materials
16 demonstrate that they are planning to be compliant.

17 And then Policy 11.e, this policy in the Bear Canyon
18 Neighborhood Plan concerns outdoor uses. And so the -- the plan
19 was, around 1990, amended to allow certain uses to have exterior
20 components; those are plant nursery and home improvement rental
21 equipment and supplies; the stipulation being that those uses
22 have to be basically completely screened from the right-of-way.
23 You can't -- you know, you can't -- you can't have the ability to
24 view those uses from like Tanque Verde Road or Bear Canyon Road.
25 And the concurrent Plan Amendment was to amend that policy to

1 allow for an express car wash specifically at the project
2 location, and to meet the intent of the policy through that
3 extensive landscaping, screening the car wash building from view.
4 The payment kiosks are located at the rear of the structure
5 instead of in front on the Tanque Verde side, and the car wash
6 building itself it set back over 100 feet from the right-of-way
7 towards the back of the parcel.

8 The Bear Canyon Neighborhood Plan encourages
9 development to be not noise-intrusive. The car wash itself is
10 oriented with the tunnel openings facing east and west away from
11 residential areas on the south side of Tanque Verde Road. It's
12 also fully screened from the right-of-way with that 30-foot
13 natural landscape border and 24 feet of landscaping before the
14 vehicle use areas on the site. The mechanical equipment is shown
15 to be completely enclosed to limit any sort of noise impact from
16 vacuum equipment.

17 And the -- Policy 11.g, that's the one that stipulates
18 that commercial developments have to be enclosed and roofed
19 inside of a structure, except for those plant nurseries and home
20 improvement rentals. The concurrent Plan Amendment for this case
21 was to add language to Policy 11.g allowing this exception on
22 these two project parcels. It went to the Planning Commission
23 for a Study Session in April, and one week ago it went before the
24 Planning Commission in a Public Hearing, where it was voted to be
25 recommended to Mayor and Council, six-to-two, with eight

1 Commissioners present.

2 The Preliminary Development Plan, again, depicts a car
3 wash in the rear of the rezoning area with that 30-foot landscape
4 buffer. The border area between the car wash and the scenic
5 buffer also includes a decorative fence, which was designed to
6 resemble a hitching post reflecting the historic ranching and
7 equestrian activity in the Tanque Verde area. And this
8 combination of decorative fencing and landscape buffer would
9 allow the express car wash to be located on the subject parcels,
10 while meeting the intent of implementation technique from the
11 Bear Canyon Neighborhood Plan 11.e.

12 The Applicant provided a traffic study with their
13 application materials, and they are anticipating 20 trips during
14 A.M. peak hour, 39 trips in the P.M. peak hour, and a total of
15 775 daily trips. Per the traffic impact analysis, the level of
16 service surrounding -- for surrounding roads will remain
17 unchanged. All vehicle maneuvering is to be performed onsite,
18 and no traffic improvements are proposed.

19 The project is going to comply with outdoor lighting
20 code, and all onsite lighting will be shielded and directed
21 outward. No bright lights or spotlighting will be installed.

22 Signage on the property is going to be subject to the
23 sign standards of the UDC, and it will be consistent with other
24 Mister Car Wash locations.

25 And the project is relatively flat. The topography is

1 not expected to change apart from reconfiguring for the parking
2 areas and driveways. The project is going to have access from
3 only Tanque Verde Road. Two new curb cuts will provide ingress
4 and egress to Tanque Verde, and a new sidewalk will connect to
5 the existing sidewalks along Tanque Verde Road. Per UDC
6 standards for a car wash, zero parking spaces are required, 17
7 are provided. Bicycle parking spaces are not indicated in the
8 PDP, but will be required based on UDC Code requirements at the
9 time of development.

10 In conclusion, the rezoning is consistent with, and
11 supported by, the policy direction in Plan Tucson. It is also
12 compliant with the Bear Canyon Neighborhood Plan, with amended
13 Implementation Technique 11.g, for which the Applicant has
14 submitted a concurrent Plan Amendment application.

15 Subject to compliance with some preliminary conditions,
16 approval of the requested rezoning is appropriate for this
17 project.

18 ZONING EXAMINER: Thank you, Mr. Sleighter.

19 Would the Applicant like to be heard?

20 MS. WELLOTT: Yes, Mr. Iurino. One second, let me
21 get my presentation pulled up here. Can you all see that on your
22 end?

23 ZONING EXAMINER: Yes. Thank you.

24 MS. WELLOTT: Very good. Well, good evening --
25 good evening, everyone. My name is Lexy Wellott, I'm a principal

1 here at The Planning Center.

2 I'm also joined this evening by Ken Wilhelm and J.T.
3 Stevens from LSA; they produced our noise impact study, as well
4 as our traffic impact statement. I'm also joined this evening by
5 Stephanie Thrush, who is our civil engineer. And I'm also joined
6 by a number of representatives from Mister Car Wash, so I've got
7 James Throckmorton, Rohit Talwar -- sorry if I pronounced it
8 wrong -- Anne Graham-Bergin and James Throckmorton on the call
9 this evening as well. So, if there are any questions, please do
10 know that they're -- they're here as well to answer any.

11 But, first off, wanted to thank Mr. Sleighter for his
12 thorough presentation, really, really detailed, so I'll do my
13 best to keep my remarks brief. But wanted to start with a brief
14 presentation to orient everyone as to where this site is. As Mr.
15 Sleighter mentioned, the -- the subject property we're looking to
16 rezone is a 1.39-acre site that is currently vacant and is
17 surrounded by existing nonresidential uses. So, we've got a
18 variety of commercial uses surrounding it to the -- the north and
19 the east. And then beyond the self-storage to the west there, we
20 have some multifamily residential, which is important to note as
21 it relates to development standards in the Code and dimensional
22 standards. This use is -- is classified as a nonresidential use
23 large in part.

24 So, as Mr. Sleighter mentioned, this -- this property
25 is an infill development where -- that is already zoned

1 commercially, it's zoned C-1, and so a rezoning to C-2 to allow
2 for additional commercial uses is appropriate as evidenced by
3 Plan Tucson and the Bear Canyon Neighborhood Plan.

4 I do want to take a few moments to discuss the Bear
5 Canyon Neighborhood Plan because, obviously, as part of this
6 process we are concurrently amending it. But I wanted to -- to
7 highlight on a couple things here to make note -- and -- and,
8 again, Mr. Sleight- -- Sleighter largely discussed this already,
9 but again want to reiterate the intent and the purpose of this
10 neighborhood plan.

11 So, the Bear Canyon Neighborhood Plan was adopted in
12 1984 for the purpose of guiding future development of properties
13 located within the planning boundaries, and provides -- oops,
14 sorry about that -- provides specific policies and goals to
15 direct that development; and it also recognizes that over time
16 revisions to the plan may occur. And, at the time when this
17 adopted, it was housed in that -- that revisions could occur upon
18 flood control solutions that were developed, or after five years
19 of its adoption, subject to the City's Plan Amendment procedures.

20 So, as Mr. Sleighter mentioned, the -- the plan has
21 been revised three times; once in 1988, and that was largely to
22 offer clarifications on definitions and -- and certain types of
23 uses that weren't clearly specified at the time it was originally
24 written; secondly, in 1993, that amendment allowed for outdoor
25 uses and display areas for specific uses, so plant nurseries and

1 home-improvement-related uses; and then, again, in 2018, for a
2 BrakeMax to position a building a little bit closer to the scenic
3 right-of-way as it had some design constraints. And the whole
4 purpose of those amendments were, large in part, to reflect the
5 growing community's needs and market demands in the area.

6 Secondly, it's important to note that the Bear Canyon
7 Neighborhood Plan designates the subject -- subject property as a
8 commercial land use. So, again, an upzoning to C-3 is
9 appropriate on this location because it is designated as a
10 commercial -- an appropriate location for commercial uses when
11 this plan was originally created.

12 And then, lastly, it's important to note that the Bear
13 Canyon Neighborhood Plan offers implementa- -- implementa- -- oh,
14 my goodness, I struggle with this every time -- implementation
15 techniques or design guidelines to ensure that devel- --
16 development is compatible and consistent with the neighborhood
17 and the surrounding community.

18 So, some of these implementation techniques encourage
19 commercial use -- commercial uses on the property, or within the
20 neighborhood plan, that serve the area and are located where
21 commercial uses already exist, where they're integrated with
22 other commer- -- commercial uses where they're adjacent to major
23 roadways, and where they're adequately buffered. And then,
24 further, it offers the techniques to ensure high-quality design
25 that is compatible with the neighborhood, and so it relates to

1 architectural design, styles and materials, landscaping and
2 screening, and drainage.

3 So, as Mr. Sleighter mentioned, there is a need to
4 amend the Bear Canyon Neighborhood Plan, and it's particularly to
5 Implementation Technique 11.g, which suggests that all uses shall
6 be completely contained and enclosed within a roofed structure,
7 except for as noted in 11.e above -- 11.e above in the
8 neighborhood plan is the reference to the allowance for outdoor
9 storage and display areas. And so as -- as the -- the proposal
10 before you is for an express conveyor car wash here, the vacuum
11 bays and -- and the design of the facility doesn't lend for every
12 use to be fully enclosed for -- for a variety of reasons; and so,
13 as such, we need to amend this policy to -- to make sure that
14 we're compatible with it.

15 So, what it is we propose to the Planning Commission to
16 amend was to modify the implementation technique to allow for an
17 exception specific to the two parcels being rezoned, to allow for
18 the uses associated with the express car wash, to locate on those
19 properties in a similar fashion to how the plant nursery or
20 outdoor storage and display areas for plant nurseries would be
21 located.

22 So, what we're suggesting is very similar to what was
23 approved in 1993, and we're requesting that -- instead of the
24 vacuum bays being fully contained and enclosed in a roofed
25 structure, that we'd like to screen those uses from the adjacent

1 properties and streets with landscaping and dec- -- a decorative
2 fencing or masonry wall. And so, again, this was something that
3 was done already in 1993, and we're asking for that additional
4 extension to be brought for the new use that -- that we're
5 proposing here.

6 And so, unlike the 1993 amendment, which permits
7 outdoor storage and display areas on any appropriately-zoned
8 property for those uses, this amendment is only going to allow
9 the express car wash on this property; and it does not open it up
10 for an express car wash to locate within the entire Bear Canyon
11 Neighborhood planning area there. And so --

12 ZONING EXAMINER: Ms. Wellott?

13 MS. WELLOTT: -- as Mr. -- as Mr. Sleighter
14 mentioned, this was presented to the Planning Commission last
15 week, and the Commission found the policy language and the
16 proposed use acceptable and forwarded a recommendation for
17 approval to Mayor and Council by a vote of six-to-two.

18 ZONING EXAMINER: May I interrupt you for a
19 second?

20 MS. WELLOTT: Yes, please.

21 ZONING EXAMINER: Yeah. So, I understand that
22 background -- and thank you, that was very helpful -- but the
23 amendment to the Bear Canyon plan implementation technique,
24 that's not before me as the Zoning Examiner; that's before the
25 Planning Commission and they had their meeting last week and made

1 their vote, correct?

2 MS. WELLOTT: Yes, Mr. Iurino, that is correct.

3 ZONING EXAMINER: Okay. Go right ahead then.

4 MS. WELLOTT: So, to get to why we're here this
5 evening, I just wanted to -- to present you with that background
6 information and where we are -- are to date. But what it is
7 we're here to -- to request before you this evening is to rezone
8 the existing C-1 zoned property to C-2 to allow for the express
9 car wash that -- that is shown before you here on the screen and
10 wanted to just point out a couple things here.

11 As -- as Mr. Sleighter mentioned, we are a large in
12 part -- with the exception to the -- the amendment that we are
13 pursuing concurrent to this rezoning, we are compatible with the
14 Bear Canyon Neighborhood Plan, in that we are setting our
15 building back appropriately from the scenic corridor and low-
16 density residential homes. We are exclusively accessing from an
17 arterial roadway. We are appropriately screening this from
18 adjacent properties and from the -- the -- the scenic routes
19 here.

20 And so one thing I wanted to point out here which is --
21 large in part to your purview is really highlighting how we are
22 meeting the intent of the Bear Canyon Neighborhood Plan and that
23 amended policy through our rezoning efforts. And so as we
24 requested that the policy be amended to suggest that the outdoor
25 activities, if you will, or the -- the uses associated with the

1 car wash be screened by landscaping and a decorative fencing, I
2 wanted to just run through what it is exactly we're proposing;
3 because I think there is a lot of visual mitigation that happens
4 through this effort.

5 And so what it is we're proposing to -- to screen the
6 vacuum equipment is in addition to the 30-foot natural landscape
7 buffer that has to be provided per the scenic corridor overlay
8 zone. We're going to also provide an additional 24 feet of
9 enhanced landscaping that will be screened with a decorative
10 fence.

11 And why I want to bring this is, you know, in -- in
12 working with the neighborhood here there's -- there's a desire in
13 this portion of the community to -- to create an equine district
14 and really maintain the rural lifestyle that -- that this area
15 has traditionally been. And so recognizing that there's a shift
16 in, you know, community needs and market demands in this area is
17 growing, we looked at this -- the design of this site as an
18 opportunity to further the neighborhood's desire to create an
19 equine district. And so what I wanted to show you is the
20 landscaping and the treatment that we are trying to propose
21 adjacent to the roadway.

22 So, this treatment that you're seeing on your screen
23 before you effectively occurs after 30 feet of natural
24 landscaping, and then the fence will be shown with additional
25 landscaping to effectively screen the use that we're proposing.

1 And I have some renderings here to -- to showcase the intent that
2 we are proposing here, because you can see from Tanque Verde Road
3 that outdoor equipment, the vacuum bays, it's -- it's virtually
4 hard to see. You can't really see them. And that is the intent
5 we're moving forward with this rezoning application, it's to just
6 really showcase that this use can locate on this corridor and be
7 compliant with the neighborhood plan, even if it -- it needs to
8 be amended.

9 And so, with that, I -- I -- you know, we -- we -- we
10 recognize that this is a use that -- that presents some -- some
11 challenges, and we heard some concerns, and I want to hit on some
12 of those just really briefly. We heard last week at the Planning
13 Commission meeting that there were some concerns with noise.
14 And, as submitted in our packet and in your material, Mr. Iurino,
15 we did submit a noise impact study with this use. And, because
16 of the -- the -- the traffic and the trips passing by on Tanque
17 Verde, plus the surrounding commercial uses, the noise impact
18 study suggested that there -- there's not going to be a noise
19 impact on neighboring properties here.

20 Secondly, our -- our traffic engineers produced a
21 traffic impact statement where they analyze turn movements and
22 trips. And one thing to note is the use here, large in part, is
23 it generates passerby trips and not new trips, and so most of the
24 -- the trips coming to the site are already trips that exist on
25 the roadway. And so the -- the traffic impact -- while Tanque

1 Verde does have traffic and -- and there -- there -- there is
2 traffic concerns, this use doesn't create a worse problem or --
3 or lessen it by any means, and doesn't have a negative impact on
4 -- on said traffic. Staff from the Department of Transportation
5 of -- Department of Transportation and Mobility reviewed that
6 report and offered a similar sentiment as well, that this -- this
7 use does not have impacts on -- on Tanque Verde Road.

8 And then last -- the last concern we heard as it
9 relates to the use itself was the notion of water usage itself.
10 And, obviously, we -- we are working here -- Mister Car Wash is a
11 very water-conscious company here, and being headquartered here
12 in Tucson, they're very familiar with the -- the water
13 conservation and -- and have brought that into their business
14 efforts. So, we do have more information on that if -- if you
15 would like.

16 But I do want to point out here, you know, as -- as we
17 relate and talk about traffic concerns and noise concerns and
18 water usage concerns, something that we need to remember here is
19 that the property is already zoned C-1, and it can have car wash
20 uses that don't offer as water-conscious practices. So, the --
21 the traditional car wash that would be allowed with a special
22 exception and wouldn't need a Plan -- Plan Amendment, period,
23 that's -- that's the one car washes, where it's the self-service,
24 someone's coming and spraying their car down, and those really
25 don't have any water conservation practices in it.

1 Secondly, a drive-through restaurant could occur on
2 both of these parcels, because that's what the rights are for it
3 now, and both of those could go in, you know, with -- with -- at
4 -- by right, obviously if -- if the use suggested at the time of
5 development, traffic can -- you know, related impacts then --
6 then that would be addressed at that time.

7 But I do want to -- to make that point clear here, that
8 there -- this -- this is a -- while we're asking for an upzoning
9 here, it is an appropriate zone; and the primary reason why we
10 are doing that is so we can better design a facility that allows
11 for all of the things that I mentioned, as well as is more
12 compatible with the -- the context of the neighborhood.

13 So, with that, I'll open it up to you, Mr. Iurino, if
14 you have any questions.

15 ZONING EXAMINER: Ms. Wellott, I don't right now.
16 Thank you very much for you presentation.

17 MS. WELLOTT: Thank you.

18 ZONING EXAMINER: So, I'm going to start with --
19 by calling on the folks who emailed in a request to speak and
20 then we'll hear from others as well, of course.

21 The first one is Vaughn LaTour. Mr. LaTour, are you
22 present? Please go ahead.

23 MR. LaTOUR: Can you hear me?

24 ZONING EXAMINER: Yes, I can. Thank you.

25 MR. LaTOUR: Okay. Thank you, Mr. Iurino. I am,

1 as you said, Vaughn LaTour. I am the President of the Bear
2 Canyon Neighborhood Association, and Vice President of one of the
3 HOAs, the Powder Horn Ranch, which is underneath that.

4 I'm speaking tonight in opposition to any alteration to
5 the Bear Canyon Neighborhood Plan. Ms. Wellott was very succinct
6 in saying that it met with all the conditions; and, yet, it
7 really doesn't. It need -- it requires an upgrade in zoning from
8 C-1 to C-2, keeping in mind that Tanque Verde is -- was
9 designated as scenic by way in 1996. We need that to be a
10 concern.

11 We spoke last week at the Commission meeting at the
12 Council Chambers downtown -- and, as Ms. Wellott said, it was --
13 or, excuse me -- as Gabriel said, it was forwarded with a six/two
14 -- six-to-two vote. And it was our understanding, because it was
15 voiced at that meeting, that seven votes were needed to forward
16 it. So, our oppositions are -- are fairly numerous.

17 The intersection of Tanque Verde and Grant Creek -- or
18 excuse me -- Grant Road is about four minutes away from this
19 property. Within a quarter mile of that intersection, going
20 west, there is already a Surf Thru Car Wash at the Costco, and
21 there's never more than one or two cars there. There's a new car
22 wash between the intersection and Costco that's going in --
23 again, to the west of the intersection. If you -- if you travel
24 south through that intersection on Tanque Verde, within a quarter
25 mile, Mister Car Wash already has a car wash there. And then if

1 you travel east, where Grant becomes Kolb, there's a Clean Freak
2 Car Wash. Again, there's -- there's very little traffic waiting
3 to get into these; they're not overrun. I also need to point out
4 that there is a single car wash on the -- at the gas station
5 neighboring this car -- or this proposed project. So, that
6 really puts five car washes within four minutes of this and I --
7 I think that renders this kind of overkill and unnecessary. And
8 I do understand that your job isn't to determine necessity, but
9 come on, enough is enough.

10 The lot that -- the lots that the project wishes to
11 build on has access only from westbound traffic and is terribly
12 close to the very busy intersection of Bear Canyon and Tanque
13 Verde. We feel that this can only add to the already way too
14 many accidents that occur at the intersection now. There have
15 been rollovers and accidents there a couple -- three or four
16 times a year. Adding to that congestion is not in anyone's best
17 interest and this is within your purview.

18 The Bear Canyon Neighborhood Plan was written over 40
19 years ago. The City agreed to abide by that plan when they
20 annexed the area into the City. The businesses and residents
21 that have entered feel that the BCNP was a contract that's been
22 enforced for -- for many of us. And I -- I want to interject
23 here to Lexy and Grant (sic) and you, we are not anti-business,
24 we're just very, very protective of the Bear Canyon Neighborhood
25 Plan and need it to remain as it is without being altered or

1 amended. There are any number of businesses that can go in on
2 this site without having to change or alter the plan.

3 At last week's meeting, we did raise the problem of
4 water. There is a concern, as we grow in the Tucson and Tanque
5 Verde Valley, that limitations on water need to be addressed.
6 Our own research provided, by asking some of the car wash owners
7 as to how much water is used at a car wash, told us that the --
8 the advantage that they have is that the car washes can recycle
9 their water; however, we were also told that the water can only
10 be recycled once and then has to be replenished.

11 The officer that spoke last week for Mister Car Wash at
12 the Commission's meeting said that their company research showed
13 that a resident washing their house (sic) in their drive -- or
14 washing their car in their -- in their driveway uses 70-plus
15 gallons of water. I was astounded. His car wash -- he says his
16 car wash only uses 28 gallons of water.

17 I own a crew cab four-by-four pickup, it's a long
18 bugger. I wash it in my driveway with a power washer. I use
19 less than ten gallons and I'm -- I'm inflating that. I use less
20 than ten gallons. And, if I used a pistol-grip nozzle on my
21 hose, it'd be under 15 gallons. And I'm inflating that as well.

22 I suggest to you that the people that live in Tucson
23 are very aware of our shortage of water and are probably savvy
24 enough not to just let a hose run for 70-plus gallons. I,
25 therefore, suggest that this car wash uses more water than the

1 City can offer, especially since the City's already tapped one of
2 our wells right out here in the Bear Canyon Neighborhood on
3 Houghton. And we do not need a sixth wash facility within a
4 four-minute drive of this property.

5 Please remember that the Bear Canyon Neighborhood Plan
6 is suited to working with the City to the benefit of the
7 residents and the community which we represent. We are to be
8 used as a guideline for future -- our tenets have worked just
9 fine for 40 years, and we're not in favor of changing them now.
10 It'd be much easier and better for all involved if the tenets are
11 followed and not constantly changed in the name of profit for a
12 developer or The Planning Center.

13 We respectfully ask that you deny this project and come
14 down on the side of the residents and the businesses that are
15 already in the Bear Canyon Neighborhood. Again, we do not want
16 the Bear Canyon Neighborhood changed, let the businesses that
17 comes into the area follow the plan without changing it. Thank
18 you.

19 ZONING EXAMINER: Thank you, Mr. LaTour.
20 Appreciate it very much.

21 The next person that asked to speak is Joanne Trejo
22 (ph.). Ms. Trejo?

23 MS. TREJO: Hello, Mr. Iurino. Can you hear me?

24 ZONING EXAMINER: Yes, I can. Thank you.

25 MS. TREJO: Great. Did you receive my materials

1 earlier?

2 ZONING EXAMINER: I did. Thank you.

3 MS. TREJO: Excellent. I'm just going to go
4 through that rather than presenting; if that would be okay with
5 you?

6 ZONING EXAMINER: Please go right ahead.

7 MS. TREJO: Thank you. I'm here to talk on behalf
8 of the Bear Canyon Neighborhood Plan. It was a contract that was
9 developed by the City of Tucson and the Bear Canyon Neighborhood
10 Association. When the City of Tucson wanted to annex 925 acres
11 of the Bear Canyon area, it formally agreed to putting together
12 the Bear Canyon Neighborhood Plan. Pima County, the City of
13 Tucson, and Tanque Verde residents participated in this
14 development. The plan details the duties, the responsibilities,
15 and the commitments that both parties agreed to adhere to
16 regarding future development in Tanque Verde. The Mayor and
17 Council adopted the BNCP (sic) in 1984, and it has had more than
18 40 years of successful implementation, and has been recognized as
19 a model for government and citizenry partnerships in the United
20 States.

21 The Bear Canyon Neighborhood Plan is a contract. It is
22 a formal and legally-binding agreement. The entities involved
23 can use them as supporting evidence if one of them fails to
24 comply with the rules; and, if one party breaches the contract or
25 fails to properly perform their duties, the other party can take

1 legal action. It's important that this partnership, and the
2 amendment protocol that we've heard in the past, remain an
3 integral part of the process regarding the new development and
4 the proposal submissions that we're seeing today.

5 We're talking about the Mister Car Wash rezoning and
6 amendment that's being requested. The first thing I would like
7 to do is I would like to challenge Mr. Sleighter regarding the
8 Planning Commission's decision. I was in attendance, as were a
9 number of the Bear Canyon Neighborhood residents. And, while the
10 vote was six-to-two, the Chair specifically noted that a
11 seven/one vote was required for recommendation. They did not
12 receive support for that recommendation.

13 The proposed rezoning request includes an amendment to
14 the BNCP (sic) because that proposal violates the plan. There
15 has been no discussion, no negotiation in good faith, with the
16 Bear Canyon Neighborhood Association. The developer is asking
17 for this amendment and the rezoning saying that it will only
18 impact this single development. Well, there must be complete
19 understanding that if this amendment is approved, if this
20 rezoning takes place because the amendment is approved, it will
21 open the door for other developers to request only the City-
22 approved future projects in Tanque Verde.

23 Amendments of this kind can substantially alter the
24 balance of the contract and ultimately favor one party over the
25 other. In this -- in this case, the developer over the

1 community. The BNCP (sic) again is a partnership between the
2 City and the BNCA (sic). It does not imply, in any way shape or
3 form, that unilateral variation, where only one party can make
4 that change, is acceptable. This concept was not agreed upon
5 inside the contract.

6 We do have some perceptions that all of us have -- and
7 I'm sure the people who are attending the Zoom meeting feel this
8 way, too. The developers often accuse our neighborhood of not
9 wanting change or development; and that's simply not true. We
10 support development that complies with the Bear Canyon
11 Neighborhood Plan, and we're asking that they provide proposals
12 that will be acceptable with the Bear Canyon Neighborhood Plan.

13 The Bear Canyon Association was never contacted about
14 this development, even though it directly violates that plan.
15 And what I'm finding, in the course of the few years that I've
16 been involved, is that rather than partnering with the community,
17 the developers completely ignore them. They don't come to us
18 specifically for feedback and input; in fact, in many cases,
19 there is no engagement at all. And I'm not talking a public
20 meeting, I'm talking engagement, let's have a conversation, let's
21 dialogue, let's have discourse until the official meeting, which
22 is what we're doing today, Mr. Iurino. And then they present
23 their project proposals with a my-way-or-a-highway attitude.

24 When no one attended the Mister Car Wash Public
25 Meeting, The Planning Center incorrectly assumed no one was

1 interested. The relevant impacted people, the Bear Canyon
2 Neighborhood Association, did not receive notification of that
3 meeting. Perhaps, some outreach would've been appropriate at
4 that time. The people at The Planning Center know us well. We
5 did not receive any kind of outreach. It's not like we're
6 strangers to this table. Fortunately, we learned about this
7 Zoning Examiner meeting when we went to the Planning Commission,
8 and we found out about that two days before the Planning
9 Commission meeting as well.

10 Citizen notification does have flaws and it does impact
11 the developer's ability to communicate with the affected public.
12 The City of Tucson's Community Relations Department, I believe,
13 is lacking accurate up-to-date data with respect to citizens and
14 homeowners' associations. And we do recognize that the post
15 office is experiencing issues with mail delivery. But, make no
16 mistaken, the Bear Canyon Neighborhood citizens are more than
17 interested, we are passionate about our community and we are
18 engaged.

19 So, I would like to respectfully submit that the City
20 of Tucson's obligation is to the Bear Canyon Neighborhood
21 Association, and to stay compliant with the Bear Canyon
22 Neighborhood Plan. I proposed that the City require developers
23 to obtain approval from the Bear Canyon Neighborhood Association
24 before they submit their proposals to the City whenever
25 compliance is in question or an outright violation, as this

1 proposal is. If you would please allow our strong partnership to
2 enable those involved to make the changes that are needed, it
3 would help us to preserve the integrity of this contract. And I
4 ask that you recognize the importance of the Bear Canyon
5 Neighborhood Plan as a contract and request this request -- this
6 request for rezoning (sic). Thank you so much for this time.

7 ZONING EXAMINER: Thank you for your
8 participation, Ms. Trejo.

9 Would anyone else in the audience like to be heard on
10 this case?

11 MS. JOHNSON: I -- I would like to just say
12 something quickly.

13 ZONING EXAMINER: Yes, go ahead. Let's start with
14 your name and address, please. Thank you.

15 MS. JOHNSON: My name is Brenda Johnson. and I
16 live at 8810 East Eagle Feather. I've lived on this property
17 since I was ten years old and I'm quite a bit older now, though
18 you wouldn't know it by looking at me. However, onward.

19 I -- I would like to reiterate what Joanne said, that
20 we did not receive any notification. So, if they could perhaps
21 change their envelopes to bright pink or orange or something so
22 we know what to look for, because we had no idea this was coming,
23 and only just found out about it in the last couple of days.

24 The other thing is I haven't heard any talk of the
25 condos, or the casitas as they're called, that are directly to

1 the west across the driveway to the car wash. So, this has got
2 to affect them in some way, and I don't know if anyone is from
3 that neighborhood on this call, but I don't even know if they
4 know about it. That's the other thing. I'm -- I'm concerned. I
5 mean, I know where I live and I know what the traffic sounds
6 like. I can only just imagine living that close to Tanque Verde
7 and what they would hear. So, obviously, we are against this.

8 We're already looking at the -- the apartments that are
9 coming in that's north of that storage facility. There's a --
10 the area there. And that traffic is -- I mean, it's already
11 going to affect us, that's the thing, and I -- I think we need to
12 continue to protect our Bear Canyon Neighborhood as best we can.
13 And that's by showing up. The problem is how can we show up if
14 we don't know what's going on?

15 And, I'm sorry, I'm retired, but I have other things to
16 do than to just watch what may come across in The Planning
17 Center. I mean, I really thought they had to notify us. And I'm
18 not -- I don't know, I mean, I'm not saying I didn't miss it, but
19 that was last October I'm guessing we got these letters? I mean,
20 I don't know, I just think there's got to be a better way. So,
21 I'll be in touch and I certainly hope I'm on all of your mailing
22 lists, 'cause I want to hear what you have to say. So, thank
23 you.

24 ZONING EXAMINER: Thank you, Ms. Johnson.

25 I see a hand up for Karen Green. Ms. Green, do you

1 want to go ahead?

2 MS. GREEN: Yes, sir. I think I have my -- my
3 audio turned on. I'm --

4 ZONING EXAMINER: Yep.

5 MS. GREEN: -- just in full -- I'm in full
6 agreement with the previous three speakers. Again, I have lived
7 here since 1974 as well. I'm a neighbor to Ms. Johnson. And I
8 received no notification. And the only reason we found out about
9 this is because I made a special trip up and pulled off the road
10 and walked over to see the sign, the yellow sign that was posted,
11 and that's how we found out about this -- this rezoning
12 application. So, it wasn't convenient, it's not anything you can
13 read while you're driving by, you have to pull over and walk into
14 the desert to read the sign that was posted.

15 So, we have grandchildren that -- we've all grown up
16 here and now our grandchildren are growing up here. And, as Ms.
17 Johnson said, the apartments that are coming in, we have been
18 involved with that and -- and fought that as hard as we could, to
19 no avail. At least they're going to put a wall up. But the
20 traffic at this intersection is over-the-top already, this
21 intersection just cannot handle any more.

22 I know they say that there's not going to be additional
23 traffic. There's going to be additional stopping, turning,
24 entering, it's going to be in addition to our traffic issues.
25 And we need to abide by the original Bear Canyon Plan that we

1 voted in back in the '80s.

2 And thank you for your consideration. We -- we really
3 trust that you're fair and that you hear what we, who live here,
4 are saying. Thank you for your time.

5 ZONING EXAMINER: Thank you for your
6 participation, Ms. Green.

7 Would anyone else like to be heard?

8 MR. ADING: Mr. Iurino, yes, I would like to be
9 heard, please.

10 ZONING EXAMINER: Please go right ahead, sir.
11 Start with your name and address. Thank you.

12 MR. ADING: Yes, sir. My name is Tom Ading (ph.).
13 My wife, Joan, and I live at 2449 North Lightning A Drive in the
14 Lakes at Castle Rock. I am a member of the Bear Canyon
15 Neighborhood Association, former President of the Lakes -- of the
16 Castle Rock HOA and a current board member of the HOA.

17 I spoke last week at the Planning Commission with my
18 concerns about traffic. I've heard the words from Lexy and
19 others about the traffic report, and I'm not convinced by their
20 words about that. I go through that -- that intersection at Bear
21 Canyon and Tanque Verde quite frequently. I have been using,
22 over the course of the last several months, the Family Storage
23 area immediately to the west of this proposed area, and getting
24 into and out of that area is exceedingly difficult, especially
25 with no turn-in lane. Trying to slow down and turn into a very

1 narrow entrance in the Family area has caused some braking, some
2 screeching of tires, because people who -- many cars who -- come
3 from a full stop at that intersection going west accelerate
4 rapidly and there's only the two lanes, there's no turn-in lane
5 to that -- to that storage area.

6 And there doesn't appear to be any turn-in lane into a
7 -- into this proposed car wash, and to me that's a -- that's a
8 big challenge. It's not just going to be a single car, there
9 could be several cars in the course of time. I heard the number
10 of 775, whether that's a day with -- you know, in the 30s or 40s
11 in the morning and the afternoon. There's -- there's busy
12 traffic through there throughout the day.

13 And the number of accidents that have occurred there --
14 I'm not sure whether the City has -- has checked with the number
15 of accidents that have occurred at that intersection -- but this
16 is, from my own experience, appears to be presenting a severe
17 safety hazard. Certainly -- especially with no turn-in lane or
18 -- or no deceleration or acceleration lane, which would at least
19 help that, there is not one here and that adds to the problem,
20 especially since it's -- it says 400 feet away, maybe that's the
21 -- the center of the entrance to that, but I don't think it's 400
22 feet from the inter- -- from the beginning of the -- you know, as
23 soon as you turn onto Tanque Verde to that -- that's just the
24 Speedway car wash area and I'm -- it doesn't appear to be 400
25 feet to me. So, I don't know where that 400-foot measure was

1 made.

2 With that, those are my concerns. I think it's a big
3 safety challenge. I support the comments that have been made by
4 Vaughn, Joanne and Karen, and others. I thank you for your time
5 tonight. But I -- I'm on record as being opposed to this for
6 safety reasons. Thank you.

7 ZONING EXAMINER: Thank you, Mr. Ading.

8 Would anyone else in the audience like to be heard?

9 (No response.) I don't see any hands and I don't --

10 MS. ERICKSON: I --

11 ZONING EXAMINER: -- hear anyone.

12 MS. ERICKSON: -- I would like to be heard.

13 ZONING EXAMINER: Go right ahead.

14 MS. ERICKSON: My name is Eileen Erickson. I live
15 at 3392 North Soldier Trail. I've been a resident in this area
16 of Tucson for 17 years.

17 I would like to add another point to the concerns I
18 have about traffic. Although, there may not be an increase in
19 the numbers of cars passing through, there will be a huge
20 increase in the traffic patterns. A car exiting the proposed car
21 wash to go west, but they live to the east, will immediately try
22 and get to the nearest U-turn lane; that can only cause
23 additional traffic confusion and congestion and potential
24 accidents. I think this is a point that has not been made and
25 needs to be taken into consideration.

1 I am totally opposed to this. I think it does
2 represent a safety hazard, a water hazard, and does not support
3 the needs of the community; as Mr. LaTour noticed that we have
4 plenty of car washes around now. Thank you.

5 ZONING EXAMINER: Thank you. Would anyone else
6 like to be heard?

7 MS. ORTIZ: Good evening --

8 MS. GRIFFITH: I would like to.

9 ZONING EXAMINER: Okay. So, one of you go first
10 and then the next will come second.

11 MS. GRIFFITH: I'm short and sweet. And my name
12 is Linda Griffith, and I live at 10020 East Moccasin Place.

13 And I would just like to voice my concern in concert
14 with all of my neighbors who are in opposition to any type of
15 exception being granted. They've spoken much more eloquently
16 than I can on the subject, but in terms of substance, all of
17 their objections are well-founded and there's absolutely no
18 justification for defacing that land with this use, when we can
19 go four minutes down the road and get our cars washed.
20 The waste of water is particularly offensive to me.

21 And I would certainly appreciate your consideration of
22 the number of people who are present at the meeting, given the
23 fact that very few of us knew about it, and please not permit
24 this use to proceed in violation of the contract with the Bear
25 Canyon Association. Thank you.

1 ZONING EXAMINER: Thank you, Ms. Griffith.

2 Someone else wanted to speak, so go right ahead.

3 MR. AIRE: Yes, my name is Harry Aire (ph.). I
4 live at 8800 East Bears Path Road, and I have been here since --
5 I believe it's 1979 --

6 MRS. AIRE: And you served on --

7 MR. AIRE: -- and I served on the Bear Canyon
8 Neighborhood when it was first being put into place.

9 I'm particularly concerned about what this 30-foot
10 structure will do to our visual environment that we see as we
11 drive down Tanque Verde Road and see the gorgeous mountains. It
12 seems to me like it will say we're commercial. That we're
13 concerned about what we see and enjoy the scenery. And so, for
14 this reason, I would be opposed to the proposed 30-foot-high
15 development. It has Mister spread across it saying commercial,
16 and is quite in contrast to what I think we would like to see.
17 Thank you.

18 ZONING EXAMINER: Thank you, Mr. Aire.

19 Would anyone else like to be heard?

20 MS. ORTIZ: Yes, please.

21 ZONING EXAMINER: Yes, please go ahead.

22 MS. ORTIZ: Good evening, everybody. And thank
23 you, Mr. Iurino, for hearing us out this evening. My name is Ms.
24 Ortiz and I live at 2330 North Bonanza Avenue.

25 It was stated -- there's two questions I have -- it was

1 stated that the landscaping would be planted. I would like to
2 know how big the trees they're going to plant, how long it will
3 take before it's a complete buffer, and how are they going to
4 water it? Which is going to take up more water.

5 And I believe -- I was also at the last meeting at the
6 City Council, and they did say that their vehicles (sic) only use
7 20 gallons per car. Now, if they have cars going in and out of
8 there, I don't see how only 20 gallons are used on those cars
9 when it's constantly running from the beginning of the -- driving
10 in to the end. So, those are my three questions. Thank you.

11 ZONING EXAMINER: Thank you, Ms. Ortiz.

12 Would anyone else like to be heard? (No response.)

13 Hearing no one --

14 MRS. AIRE: I -- I would like to --

15 ZONING EXAMINER: All right. Go ahead.

16 MRS. AIRE: My name is Barbara Aire. My husband
17 just spoke. And I live at 8800 East Bears Path.

18 We are south of Tanque Verde. Water -- water in the
19 Fahringer Wash is a big problem; the City is out here a lot. I
20 would like to know what happens to the water that is used by the
21 car wash, where is it going?

22 ZONING EXAMINER: Okay. Thank you, Ms. Aire.

23 Anyone else? (No response.) I'm going to say it
24 again, hearing no one, Ms. Wellott, would you like to address any
25 of the points that have been raised?

1 MS. WELLOTT: Yes, Mr. Iurino. And thank you,
2 everyone, for -- for your comments here. There are a couple
3 things that I -- I want to -- to just reiterate and address here.
4 And one of these is this notion of saturation of car washes in
5 the area. Something that Mr. LaTour had mentioned is that there
6 are several car washes that exist further west and into the city.

7 And one thing that is important to remember about the
8 Bear Canyon Neighborhood Plan is it suggests that commercial uses
9 are not only intended to serve the planning area of the Bear
10 Canyon, but all the 55-square-mile area known as Tanque Verde
11 Valley. There are no car washes further east of this property,
12 aside from the one that was mentioned on the gas station next
13 door; and that's a different model, it's -- it's a different
14 typology, it's not used as often, this is the modern typology of
15 a self-storage car -- or a self-service car wash. And so there
16 is nothing for anybody living above Catalina Highway or anything
17 coming down into the city to use. So, that's why we're -- we're
18 proposing at this site, because there is a market demand, not
19 necessarily from those users who -- who live further west in the
20 community and may travel on Tanque Verde, but rather those
21 community members traveling, you know, into the city from -- from
22 areas north and -- and -- and east of the site.

23 Secondly, I want to reiterate the -- the notion of the
24 amendment and the plan -- the Plan Amendment here, and I want to
25 reiterate that the -- what it is that we're proposing is very

1 similar to the amendment that was approved in 1993. The only
2 difference is, is that amendment in 1993 specified two specific
3 uses that could occur anywhere within the planning boundaries;
4 and those could occur by a treatment of appropriate landscaping
5 and screening by way of a decorative fencing or a wall. So, what
6 it is we're -- we're doing here is -- another way to think about
7 that is adding an additional use to that list that suggests car
8 washes can now be allowed, and the activities associated with
9 those uses can -- can occur on the site so long as they're
10 visually mitigated from adjacent properties in the scenic
11 corridors.

12 Secondly -- or, thirdly, I want to hit on Ms. Ortiz's
13 question regarding the landscaping and what -- what will be
14 planted, how will it be irrigated, et cetera. And so the
15 landscaping that we're proposing -- obviously, the 30-foot
16 natural buffer has to remain in its current state. The only
17 thing we could do is clean up the weeds and -- and -- and
18 manicure it a little bit, it -- it has to remain in that -- so,
19 no irrigation will be provided to those plants, as they have to
20 be maintained in their existing condition as they are.

21 As far as the 24-foot landscape buffer that we are
22 providing in addition to screen the vacuum cells there, that will
23 be planted per the City of Tucson Code, which will contain 15-
24 gallon -- 15-gallon trees that will be required to be irrigated
25 until they are mature; and that's typically about a three-year

1 period. And so the idea is, is you have to water these plants
2 until they can survive in the climate that we are. And then once
3 they get to that level of maturity, that water is turned off and
4 how they are then irrigated is by way of our water -- you know,
5 our rainwater harvesting basins, as well as the -- how the site
6 will be drained, it'll be drained to -- to those areas. So,
7 those plants and the vegetation provided initially will be
8 irrigated, but over time the goal is -- is to -- to -- to wean
9 them off that water since they are all drought-tolerant native
10 plant material to -- to this specific region.

11 And last -- the last comment I wanted to -- to -- to
12 touch on was the -- the public outreach that -- that occurred
13 through this process because -- you know, I -- you know, it's no
14 secret I've done quite a bit of work out there and I -- I know
15 that it's important to reach out to folks. So, I do want to
16 highlight on those efforts, because there's this notion that we
17 did nothing here and -- and I don't -- don't think that's
18 necessarily the case, because if you will -- if -- if there was
19 notice received for this meeting, you should have received my
20 notice in the mail as well, unless you got it by way of your --
21 your colleagues and neighbors there.

22 But at the onset -- and I -- I issued this letter to
23 you earlier here, Mr. Iurino -- but at the onset of this project,
24 before we started any process, we started with meeting with
25 Council Member Cunningham to get an idea of what -- what we might

1 be up against. And what he suggested in that meeting was that we
2 reach out to two individuals who are outside of the neighborhood
3 plan association there -- or outside of the notification
4 boundary, as he felt they would be appropriate to involve in this
5 -- this conversation; so we did that. We reached out to those
6 individuals, as well as sent a neighborhood meeting notice to all
7 property owners within 400 feet of the site, as well as any City-
8 registered neighborhood association within one mile of the site.

9 So, the record of my labels show that two
10 representatives from the Bear Canyon Neighborhood Plan were noti-
11 -- or Neighborhood Association were notified and received two
12 notifications from myself; one offering an in-person meeting on
13 October 30th; and a second notice was sent out on November 16th
14 presenting a virtual option for that meeting. Again,
15 representatives from the Bear Canyon Neighborhood Plan were --
16 received that notice there.

17 In addition to that, I -- I sent emails to -- follow-up
18 emails after the neighborhood meeting, because I expected some
19 folks to show up because that's how this process has -- you know,
20 it works. And part of the challenge here is it's -- it's where
21 you start and how you start it, and so we -- we -- we -- we run
22 with who's -- you know, the process at hand and go from there.
23 And so there -- there were a couple individuals that -- that I
24 know I met with regarding different projects, where it was
25 brought up that this project was also occurring in the

1 neighborhood. And -- and, at the time, if there was a concern to
2 be expressed, a -- a -- you know, and you extend an olive branch,
3 it's -- it -- it -- you -- it requires somebody to grab it as
4 well.

5 And so we -- we did do, to our abilities, try to
6 involve and engage those -- those representatives in this
7 neighborhood who do have a stake and have been present in a lot
8 of the other meetings that we have met on and -- and, you know,
9 we -- we -- we didn't hear much until last week, to be quite
10 honest, as it relates to this project. There was plenty of
11 discussions that were had, mentions of this project, and -- and
12 the reality is, is here we are.

13 And so with that, I -- I do want to -- you know, this
14 -- I do want to remind people that this is -- you know, it's --
15 it's a process and -- and we all are very much so interested in
16 continuing to work with -- with the neighbors, because as -- a
17 stipulation in the Bear Canyon Neighborhood Plan is that, at the
18 time of development, any developer that is coming in with a plan,
19 they shall meet with the neighborhood to discuss their plan and
20 -- and present it to them. So, that will be something, as we
21 move through the next steps of this process, we will be required
22 to do prior to the development plan getting approved is -- we
23 will have to offer to meet with the neighbors and discuss what it
24 is exactly we are doing as it relates to the development of it.

25 So, I -- I do want to -- to reiterate that, you know,

1 we -- we recognize that the neighborhood is very interested in
2 preserving the community and the character of this space, and
3 that's why we are taking the opportunity to incorporate those
4 design features, such as the -- the split-post fence that is, you
5 know, very prevalent right down the road from the site at
6 Bandalero Ranch, and so we're -- we're incorporating those
7 features in to -- to further that equine district that is -- is
8 not anything official, per se, but it's the desire of the
9 neighborhood and we recognize that; and that's how we're working
10 towards, you know, designing this in a fashion that -- that works
11 best.

12 So, with that, I -- I -- I have no other further
13 comments. Thank you.

14 ZONING EXAMINER: Thank you, Ms. Wellott.

15 Mr. LaTour, I do see your hand up. It's not usually
16 the way we do this, but if you'd like to say a few more words,
17 please go ahead.

18 MR. LaTOUR: Thank you. I appreciate the fact
19 that Lexy is very adamant that she reached out to people outside
20 the neighborhood. At the meeting that they had, apparently, no
21 one showed up other than someone just looking for some interest.
22 I would dare further that if no one showed up at the meeting, you
23 should've contacted us. You know me. You know the officers of
24 the Bear Canyon Plan. You know that we would be interested.
25 And, if we weren't there, there's a reason we weren't there.

1 We did not get a mail receipt in October, November,
2 December, or January. We didn't get that. And -- and you're --
3 you're attesting that you had to reach out to people outside the
4 Bear Canyon Plan? That's BS. We are the ones that you need to
5 be talking --

6 ZONING EXAMINER: Sir?

7 MR. LaTOUR: -- to, but you did --

8 ZONING EXAMINER: Sir?

9 MR. LaTOUR: -- not.

10 ZONING EXAMINER: Sir?

11 MR. LaTOUR: I'm done, I'm done.

12 ZONING EXAMINER: Sir?

13 MR. LaTOUR: Thank --

14 ZONING EXAMINER: We try to stay respectful in
15 these proceedings. I understand your passion, but we stay
16 respectful, all right? All right.

17 So, I have two things to say and then I'm going to
18 close the hearing. So, the two things I'm going to say are this:
19 I -- I'm not the Planning Commission, right? And this is not
20 Iurino passing the buck, this is Iurino understanding what my job
21 is and what the Planning Commission's job is. So, I don't know
22 what the Planning Commission Chairperson said that wouldn't be
23 forwarded unless there was a seven-to-one vote, it's not my deal,
24 with all respect. And I -- I -- I don't say this to discourage
25 any of you from having said what you said here tonight. I

1 welcome the input. I welcome the participation. That's how the
2 process works. But that's not my thing. If you -- if you folks
3 feel that the Planning Commission made a commitment that they
4 would not forward a recommendation unless it was seven votes in
5 favor, I suggest you revisit that issue with the Planning
6 Commission if there's a way of doing that. I just don't know.
7 It's just not my thing.

8 The second is, as the Zoning Examiner, my job is to
9 hold this hearing, review what's been submitted, listen to the
10 testimony, and make decisions about the rezoning, not about the
11 Plan Amendment. The Plan Amendment is the Planning Commission's
12 arena, not my arena.

13 But, having said that, I very much appreciate
14 everyone's participation, Ms. Wellott's participation as well.
15 And I want to wish everyone a very safe and happy evening and the
16 rest of the week and all time after that as well. And I'm
17 closing the Public Hearing. Everyone have a lovely evening.
18 Good night.

19 (Conclusion of the hearing.)

20 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held via video on April 24, 2024.

Transcription completed: May 2, 2024.

/S/ Danielle L. Krassow

DANIELLE L. KRASSOW

Legal Transcriptionist