



November 6, 2015

ZONING EXAMINER'S DECISION

Special Exception Land Use Case: SE-15-66

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

Owner:	Rob Draper Broadmont Associates 6160 E. Broadway Blvd. Tucson, AZ 85711
Applicant/Agent	Renee Darling Tucson Electric Power, Co. 88 E. Broadway Blvd., HQE613 Tucson, AZ 85701
Engineer/Architect:	Bruce Wilson EEC 4625 E. Fort Lowell Road Tucson, AZ 85712

Special Exception Land Use Request

This is a request by Tucson Electric Power Company (TEP) for approval of an electric substation as a special exception land use in the C-1 zone. The project site is 5.43 acres in size and located north of Speedway, approximately 285 feet west of Harrison Road and west of Harrison Road approximately 335 feet north of Speedway.

Public Hearing

On October 29, 2015 a public hearing was held on this special exception land use request in City Hall, 255 West Alameda, Tucson, Arizona, pursuant to Sections 3.3.5 and 3.4.3 of the *Unified Development Code*.

Appeal

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to Sections 3.3.5 and 3.4.3 of the *Unified Development Code*. An appeal of the Zoning Examiner's decision must be filed with the City Clerk, 255 West Alameda Tucson, Arizona 85701 by a party of record within fourteen (14) days of the date of the Zoning Examiner's decision.

Findings of Fact

This is a request by Tucson Electric Power Company (TEP) for approval of an electric substation as a special exception land use in the C-1 zone. The project site is 5.43 acres in size and located north of Speedway, approximately 285 feet west of Harrison Road and west of Harrison Road approximately 335 feet north of Speedway (see Case Location Map). The preliminary development plan indicates that 1.77 acres are to be occupied by the 138 kilovolt (138kV) substation equipment and enclosed with a decorative masonry wall, ten feet in height.

A Distribution System use of this type in the C-1 zone is subject to Section 4.9.11.A.1 , .5, & .9 and 4.9. 13.0 of the Unified Development Code (UDC) and requires approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

The special exception site is zoned is C-1 commercial zone and currently vacant. To the east is a residential use in the C-1 commercial zone, to the south are residential uses developed in the R-2 residential zone, to the southeast is a commercial use developed in the C-1 commercial zone, to the west is a single-family residential use developed in the R-1 residential zone, and to the north is a single-family residential use developed in the R-1 residential zone. The nearest single- family residential zoned and developed land is located to the north, approximately 60 feet away.

Vehicular access to the project site is proposed from Harrison Road via a 26-foot wide private access easement and Speedway Boulevard via a 30-foot wide private access easement. Both Speedway Boulevard and Harrison Road are identified as an arterial street with a future right-of- way of 120 feet on the *Major Streets and Routes Plan* map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)*, the *Wrightstown Neighborhood Plan* and *Plan Tucson*. The *PEAP* residential policy 3 provides direction for this site and requires new development to ensure the compatibility with existing land uses. The *Wrightstown Neighborhood Plan* supports medium density residential, office, and neighborhood commercial on this site.

Plan Tucson identifies this area in the Future Growth Scenario Map as a "neighborhood center" category and supports a mix of small businesses

surrounded by housing and accessible by pedestrian and bike friendly streets and by transit. Policy LT28.2 .12 requires development to support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. Policy LT28.2.13 requires development to support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. The applicant states that the proposed utility substation facility will help to ensure capacity and reliability to its current and future customers in the surrounding neighborhoods.

Neighbors testified at the public hearing about their concerns regarding the various impacts the substation would have on adjacent residential properties.

The lease area is located north of Speedway, approximately 285 feet west of Harrison Road and west of Harrison Road approximately 335 feet north of Speedway. The proposed TEP lease site, located along the northern boundary of the development parcel, is to the north of an existing electrical transmission line which runs east and west along Speedway Boulevard. To the southeast at the corner of Speedway Boulevard and Harrison Road is a Walgreen's Pharmacy.

A decorative masonry wall, ten (10) feet in height is proposed to enclose the substation and ground equipment. The wall is proposed to be a minimum of sixty (60) feet from the north property line. The height of the substation equipment within the walled area is approximately 14 feet. The substantial infrastructure improvements which are proposed for the TEP substation are to be located on the northern half of the L-shaped parcel. The proposed ground equipment includes a 70' tall TEP communication tower, and six 60' tall lightning mast poles. The lightning masts are a necessity to protect on-site TEP infrastructure. TEP has provided documentation showing the proposed height (60 feet tall) and number (6 masts) being the industry standard for 138 kV substation of this size. As shown on the preliminary development plan dated 8/24/ 15, the applicant is proposing three new 138 kV transmission structures, between 95.5 and 100 feet tall, added to the substation running north to south connecting the ground equipment to the existing 138 kV transmission structures along Speedway Boulevard.

A landscape border in addition to the ten-foot high wall is required where adjacent to a residential zone. The applicant proposes to provide landscape screening in the form of additional trees and other vegetation in proximity to the substation site wall. Landscape buffers along the north and west property lines will be 20-foot wide and along the south and east property lines will be 10-foot wide in conformance with 7.6.5.C.1, which allows perimeter screen to not be located along the property line as long as the landscaped area is a minimum of 20 feet and between the use and the property line.

Per the *Unified Development Code*, a power substation use is allowed in the C-1 zone as a special exception land use, subject to approval by the Zoning Examiner and compliance with the following use specific standards in Sections 4.9.11.A.1, .5, & .9 and 4.9.13.0 of the *Unified Development Code*.

Distribution System:

4.9.11.A.1: The setback of the facility, including walls or equipment shall be 20 feet from any adjacent residential zone.

4.9.11.A.5: The use shall not have any service or storage yards.

4.9.11.A.9: The use shall be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet, nor more than ten feet in height.

The Planning and Development Services Department reports that the submitted proposal complies with the applicable criteria of the *Unified Development Code* and recommends approval of the proposed development based on compliance with the.

Conclusion

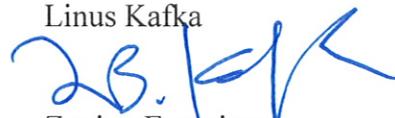
Given the compliance of the proposed project with *Wrightstown Neighborhood Plan*, the *Pantano East Area Plan* and *Plan Tucson* and the compliance of the proposal with UDC performance criteria, this request is appropriate, subject to conditions and review recommended below.

Decision

This special exception land use request to allow an electric substation as a special exception land use in the C-1 zone is approved subject to the attached preliminary conditions and the following review:

The design shall be subject to Design Review Board (DRB) design review and recommendation. The final configuration and design of the substation location, screening walls, environmental impact mitigation, landscape buffering, and other appropriate methods of mitigation will be subject to review by the Design Review Board for further analysis and recommendation regarding the best practices and best means for reducing impacts to the neighborhood.

Linus Kafka



Zoning Examiner

PROCEDURAL

1. A development package in general compliance with the preliminary development package dated 8/24/15 and required reports dated 10/14/15, covering the special exception site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of special exception.

LAND USE COMPATABILITY

7. A decorative masonry screen wall, ten feet in height, is to be provided around the perimeter of the substation and the masonry shall be a color that blends in with the natural surroundings.
8. Low-water use landscaping shall be planted around the perimeter of the substation to mitigate the removal or disturbance of existing vegetation, as well as to buffer and screen off-site properties. The proposed vegetation to be planted will mimic as closely as possible the surrounding vegetation patterns.
9. The height of the equipment shall be limited to 14 feet, except for lightning protection masts tapering from 14 inches at ground level to 6 inches in diameter at their peak.
10. Lightning mast height shall be no more than 60 feet tall.

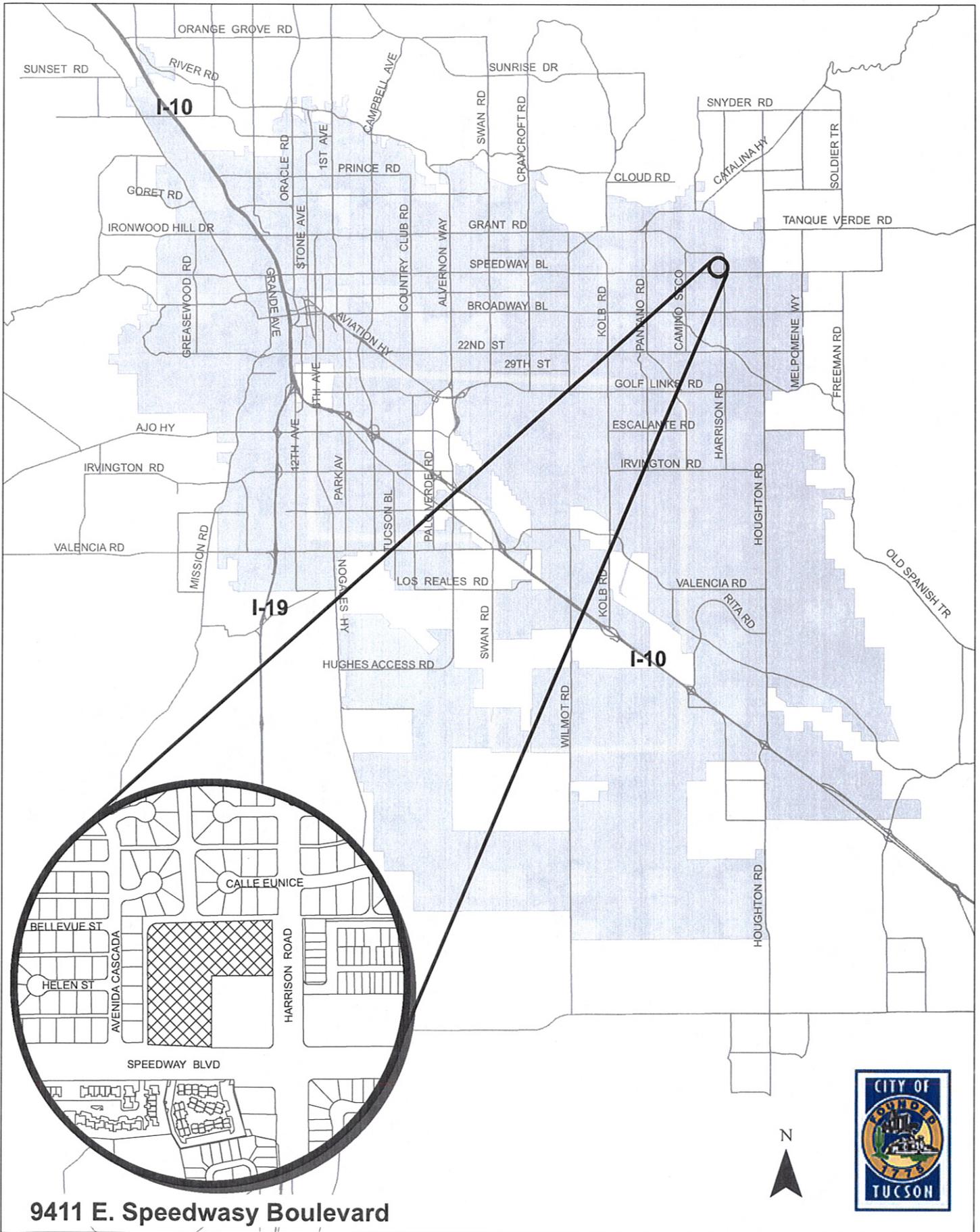
11. TEP communications tower to be located along the south perimeter of the substation wall enclosure, a minimum of 130 feet south of north property line as shown on PDP dated 8/24/15.
12. Substation perimeter wall shall be 10 feet in height and a minimum of twenty (20) feet from the north property line and one hundred and sixty (160) feet from the west property line.
13. TEP communication tower and lightning mast poles to be constructed of a self-weathering steel that will turn rust color and blend with the natural surroundings over time.
14. Substation infrastructure, equipment, and lightning masts located within the wall enclosure shall be a minimum of sixty (60) feet from the north property line and two-hundred (200) feet from the west property line, excluding access gates and access required for mechanical and electrical apparatuses.
15. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
16. Six (6) inch wide fence block or greater shall be used for perimeter walls.
17. Any wall openings designed to allow water flow as part of the Jasmine Wash shall be designed to allow small wildlife corridors continue through the Jasmine Wash path.
18. Scheduled maintenance shall only occur during daylight hours, except for emergencies.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

19. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition: Provide materials with building permit application and reference special exception land use case number SE-15-66.
20. Landscape borders along the north and west site perimeter shall include one native canopy tree for every twenty-five linear feet of landscape border.

21. On-site open space adjacent to the Jasmine Wash shall include native canopy trees planted to resemble a natural environment, as shown on preliminary development plan, dated 8/24/15. Remaining open space adjacent to the Jasmine Wash to be planted with a native desert hydroseed mix.
22. Hydroseed mix to be irrigated until seed germination. All remaining new vegetation to be irrigated for two years until establishment.
23. On-site access drives shall be asphalt paved. Speedway access drive shall include canopy trees along its western edge, as shown on preliminary development plan, dated 8/24/15.
24. Building structures shall include roofing material certified as a cool roof by the Cool Roof Rating Council or Energy Star rated per the Environmental Protection Agency; solar panels are an acceptable alternative.
25. Paving material: Provide light colored vehicular paving materials, such as concrete or cool paving coating over asphaltic surfaces. Porous paving or porous pavers would also be an acceptable alternative.
26. Mature trees have have greater value than young trees. Related to the retention/detention basin, preserve-in-place all mature trees, native and/or non-native; if this is not possible and need to be removed, the following ration formula shall be applied for replacement:
 - a. the following replacement to be in addition to the required landscape
 1. Trunk diameter 0-6" = replace with 3 trees, minimum 15 gal.
 2. Trunk diameter >6" – 8" = replace with 4 trees, minimum 15 gal.
 3. Trunk diameter >8" = replace with 5 trees, minimum 15 gal.
 - b. Minimum of 85% of the trees shall be native species.
27. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
 - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.

SE-15-66 Tucson Electric - Harrison Road



9411 E. Speedway Boulevard





SE-15-66 Tucson Electric - Harrison Road
2014 Aerial

