

STAFF REPORT

DATE: January 29, 2020

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00524

**C10-20-01 TUCSON ELECTRIC POWER SUBSTATION WALL AND ALLEY
MANEUVERING / UNISOURCE ENERGY CORPORATION / 247 W
4th STREET, C-3 AND I-1**

The applicant's property is an approximately 1.46 acre lot zoned C-3 and I-1, developed with a utility power substation. The applicant is proposing to construct a 10'10" tall masonry wall around the perimeter of the lot and have vehicle maneuvering in the alley. The applicant is requesting variances to allow the construction of the 10'10" tall wall with reduced perimeter yard and reduced front and side street perimeter yard setbacks, and to allow vehicle maneuvering in the alley, all as shown on the submitted plans.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow construction of a 10'10" tall wall at a reduced side street perimeter yard setback from 10' to 0', as measured from the north property line along 4th Street;
- 2) Allow construction of a 10'10" tall wall at a reduced front street perimeter yard setback from the greater of 20' or 1.5 times the height of the wall to 0', as measured from the west property line along 11th Avenue;
- 3) Allow construction of a 10'10" tall wall at a reduced perimeter yard setback from 1.5 times the height of the wall to 0', as measured from the east property line, along the alley (split zoning of R-3 residential & C-3 commercial)
- 4) Allow construction of a 10'10" tall wall at a reduced side street perimeter yard setback from 10' to 0', as measured from the south property line along 5th Street; and
- 5) Allow use of the alley for vehicle maneuvering, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to,

Section 6.6.2 which provides criteria for accessory structures in non-residential zones;

Sections 6.3.4 and 6.3.5, and 6.4.5, which provide dimensional standards applicable to all principal and accessory structures; and

Sections 7.4.6 and 7.10.5 which provides standards for motor vehicle access.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED I-1; (industrial) and C-3; (commercial)

North: Zoned C-3; (commercial, across 4th Street)

South: Zoned I-1; (industrial, across 5th Street)

East: Zoned C3; (commercial) and R-3; (multi-family residential, across alley)

West: Zoned I-1; (industrial, across 11th Avenue)

RELATED PLAN REVIEWS

Department of Transportation, Engineering Section

Transportation reviewed the specific request for alley maneuvering and has no objection.

Tucson Fire Department

Tucson Fire Department reviewed the specific request for alley maneuvering and has no objection.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 1.46 acre lot zoned C-3 and I-1, developed with a utility power substation. Equipment for the substation is dispersed over the entire parcel, with an average perimeter interior distance of 15' to 20' from property lines. The position of the electrified equipment and orientation of overhead power lines currently restrict primary access to the parcel off of 11th Avenue, at the west side of the site. The parcel is bordered on the north by 4th Street, by 5th Street and the railroad along the south property line, and by a paved alley along the east property line.

The applicant is proposing to construct a 10'10" tall masonry wall around the perimeter of the lot and have vehicle maneuvering in the alley, at both intersecting points of 4th Street and 5th Street. The applicant is requesting variances to allow the construction of the 10'10" tall wall with reduced perimeter yard and reduced front and side street perimeter yard setbacks, and to allow vehicle maneuvering in the alley, all as shown on the submitted plans. The plan review process triggers compliance with technical codes for new construction.

Setbacks

Section 6.6.2 provides criteria for accessory structures in non-residential zones. In nonresidential zones, walls may exceed ten feet in height, provided the wall complies with perimeter yard standards applicable to the building on site.

Sections 6.3.4 and 6.3.5, and 6.4.5, provide dimensional standards applicable to all principal and accessory structures. On commercial or industrially zoned property, the minimum setback from an interior property line adjacent to a residential zone is the greater of 20' or 1.5 times the height of the building wall. The applicant proposes to construct a 10'10" tall wall, with a variance for a reduced building setback of 0' from the interior east property line.

The minimum setback from side street perimeter yard property lines is 10 feet. Zoning review considers both 4th Street and 5th Street to be the side street perimeter yards for this site. The applicant proposes to construct a 10'10" tall wall, with a variance for a reduced building setback of 0' from both 4th Street (north) and 5th Street (south) property lines.

The minimum setback from front street perimeter yard property lines is the greater of 20' or 1.5 times the height of the building wall. Zoning review considers 11th Avenue to be the front street perimeter yard for this site. The applicant proposes to construct a 10'10" tall wall, with a variance for a reduced building setback of 0' from the 11th Avenue (west) property line.

Alley maneuvering

Sections 7.4.6 and 7.10.5 provide standards for motor vehicle access. Use of an alley for vehicular maneuvering or loading is prohibited. The applicant is requesting a variance to allow vehicle maneuvering at the intersection of 4th Street and the alley, and at the intersection of 5th Street and the alley. The alley is paved.

Discussion

The applicants' property is a 1.46 acre lot zoned C-3 and I-1, developed with a utility power station since the early 60's, per Pima County Assessor records. The subdivision was platted in 1904. The surrounding properties in the Dunbar Spring neighborhood vary in zoning from industrial, commercial to residential, and are characterized by both commercial and residential uses. The lots range in size from 1,600 square feet to approximately 28,000 square feet. The subdivision was created without curb cuts and sidewalks. Typical for this era, access was also provided from the alley.

The applicants are seeking the necessary zoning approval to allow construction of a 10'10" tall wall at reduced building setbacks, up to all property line boundaries. The wall would replace the chain link and razor wire fence and enhance security for the power station, while providing a screen and noise buffer of the electrical equipment to adjacent properties. Reduced setbacks are proposed, given the new perimeter wall is for increased security, and to preserve the limited open space on site required to provide access to service the electrified equipment.

The applicants are also seeking the necessary zoning approval to utilize the alley for vehicle maneuvering. The alley is 26' wide, as platted. During the site visit, staff noted the alley is paved and provides access to rear parking for most of the surrounding residential and commercial properties. Access off 11th, while to be maintained, is restricted once inside the site due to location of electrified equipment and overhead power lines. The applicant seeks alley maneuvering to ensure a specialized vehicle can be used for service of electrified equipment within the eastern portion of the lot. Providing alley access and maneuvering is not out of character in surrounding development.

Conclusion

Staff can support the requested variances, given special circumstances exist such as the size of the lot, electrified equipment on the site, and need for safe vehicular maneuvering for service of that equipment that requires additional access points to the property from the alley. The reduced setbacks of the wall and the design proposed also provides screening and noise mitigation to the nearby properties.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notifications by the applicant, dated December 5, 2019, and the summary of the onsite meeting dated December 17, 2019. The meeting was held at the nearby neighborhood Dunbar Springs Pavilion on December 16, 2019; 12 people attended from the neighborhood and Ward 1 City Council Office.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD recommends approval of the applicant's requested variances.

It is the opinion of staff there are special circumstances applicable to the property; that granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and that these specific variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Heather Thrall, Lead Planner
for
Russlyn Wells, Zoning Administrator

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