

STAFF REPORT

DATE: May 23, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00145

C10-18-04 ROYAL LEXUS/KIA / ROYAL BUICK COMPANY INC, ROYAL LAND LLC, ROYALEX LIMITED / 4333, 4343 AND 4373 EAST SPEEDWAY BOULEVARD, C-2

The applicants' property is an approximately 6.34 acre site developed with an automobile dealership, located at the northeast corner of Speedway and Columbus Boulevard, and is zoned C-2 "Commercial". The applicants are proposing to renovate the existing facilities and construct two new buildings.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

1. Allow a reduced street landscape border from 10' wide to varied widths between 4.6' and 6.6', along Speedway Boulevard;
2. Allow a reduced street landscape border from 10' wide to varied widths between 5.1' and 7.6', along Columbus Boulevard;
3. Allow a reduced street landscape border from 10' to 6' wide along Catalina Avenue;
4. In lieu of providing 50% vegetative ground cover based on the required 10' wide street landscape border, provide 75% coverage based on the reduced widths of the street landscape borders;
5. In lieu of providing one canopy tree for every 33 linear feet of landscape border, substitute with palm trees and redistribute the trees to entry planter islands; and
6. To delete the required 30" tall vegetative screen where automobiles are displayed for sale, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.21 *Commercial Zone (C-2)* and Table 4.8-4 *Permitted Uses – Commercial and Mixed Use Zones*, which provides the use criteria in the C-2 zone; and

Section 7.6 *Landscaping and Screening*, which provides the standards for the installation and maintenance of landscaping and screening.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED C-2; (automobile dealership)

North: Zoned R-3; (multi and single family residential)

South: Zoned C-2; (commercial)

East: Zoned C-2, R-3; (commercial, multi-family residential)

West: Zoned C-2; (commercial)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection/adverse comments.

Design Review Board (DRB)

Zoning regulations require requests for landscaping and/or screening variances to be reviewed by the DRB for recommendation to the Board of Adjustment. The variance requests were reviewed by the DRB (Case DRB-18-03) on April 20, 2018. The DRB recommends approval of the requested variances.

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 applicants' property is an approximately 6.34 acre site developed with an automobile dealership, located at the northeast corner of Speedway and Columbus Boulevard, and is zoned C-2 "Commercial". The applicants are proposing to renovate the existing facilities and construct two new buildings. The proposed development triggers compliance with the Tucson *Unified Development Code (UDC)*.

Landscaping and Screening

Per *UDC* Section 7.6, a minimum 10' wide street landscape border is required along Speedway Boulevard, Columbus Boulevard, and Catalina Avenue. Due to the existing site constraints, the applicants propose to provide street landscape borders of varied widths that are less than 10' wide.

Per *UDC* Section 7.6, a minimum of 50% of the 10' wide street landscape border must be covered with vegetative ground cover. In lieu of providing 50% vegetative ground cover, the applicants propose to provide 75% coverage based on the reduced width of the street landscape border which will result in a greater amount of coverage, while not over-planting the areas.

Per *UDC* Section 7.6, one canopy tree is required for every 33 linear feet of landscape border. Due to the insufficient width of the proposed street landscape border on Columbus and Speedway Boulevard and that the use of traditional canopy trees would negatively impact the display inventory of new vehicles, the applicants propose to substitute the canopy trees with palm trees and relocate them to alternative site locations. Most of these trees will be planted in entry planter islands where customers enter the property.

Per *UDC* Section 7.6, a 30" tall screen is required in front of vehicle use areas along major and local streets. The applicants propose to eliminate the 30" screen only where vehicles are displayed for sale. Employee and customer parking areas where the 30" screen is also required will be provided per standards.

Discussion

The site has been used as an automobile dealership since the 1960's. Within that time frame, the development has been subject to right of way takings for roadway projects. The existing conditions of the site limit compliance with *UDC* regulations regarding landscaping and screening. The sidewalk along Speedway Boulevard is

partially located on property, which further impacts the amount of landscape border the development can provide. In addition, automobile manufacturers require a certain amount of parking for service and inventory. The applicants have negotiated a reduction with the manufacturers from 683 to 512 spaces for Lexus and Kia combined. As a result, the development can provide some portion of the required landscape border width without completely eliminating it which is an improvement to the site and substantiates the argument that the variances are the minimum necessary to afford relief.

Tucson Department of Transportation (TDOT) is allowing 5' of the required street landscape border width to be provided in the right of way along Catalina Avenue. The existing grade conditions along Catalina, which will require a retaining wall, will leave insufficient area to provide the remaining 5' width of the required landscape border on property. Although minimal, the applicant is still providing 1' on site, for a total width of 6', which is still bringing the border as close as possible into compliance.

It is understandable that canopy trees in areas where automobiles are displayed for sale should be relocated elsewhere on the site so as to prevent any nuisance associated with the trees, such as sap, bird and tree litter, from falling on the inventory. In addition, canopy trees when required near vehicle display areas, have been substituted for palm trees and supported by staff in the past. This project proposes to substitute with palm trees primarily along Speedway and Columbus and locate them in entry planter islands where customers enter the property. The required number of canopy trees for the customer parking areas for the project will still be provided and evenly distributed throughout the site. The street landscape border along Columbus Boulevard will contain four standard canopy trees, three of which were requested by the Garden District Neighborhood Association in order to provide some shade along the sidewalk. Canopy trees will also be provided along Catalina Avenue as required.

As with any dealership, visibility of the vehicle inventory is important to its operations. Deleting the required 30" tall screen only where vehicles are displayed for sale is a reasonable request. Instead, a short pipe rail fence will be installed behind the street landscape borders. Other than areas where vehicles are displayed, the 30" tall screen will be installed as required.

Conclusion

Given that there are special circumstances that exist such as existing buildings and vehicle display areas, the portion of sidewalk along Speedway located on property, past roadway widenings, and existing grade conditions that impact the development; and given these circumstances, the property cannot be reasonably developed in conformance with *UDC* provisions; and that the proposal is the minimum requested to afford relief given that the applicants are bringing the site closer into conformance with standards and improving the property, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated March 21, 2018, and the meeting sign-in sheet dated April 3, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDS staff recommends approval of the applicants' requested variances, subject to the following condition:

- A. Landscaping located in the right-of-way shall be maintained by the property owner at no cost to the City.

It is the opinion of staff that granting of the variances will 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, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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