

STAFF REPORT

DATE: July 24, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00240

**C10-19-12 EL RIO SOLAR CANOPIES / EL RIO SANTA CRUZ
NEIGHBORHOOD HEALTH CENTER INC / 6950 EAST GOLF
LINKS ROAD, C-1, C-2 AND O-3**

The applicant's property is an approximately 3.34 acre site zoned C-1, C-2 and O-3 and is developed with a community health center. The applicant is proposing to construct solar canopies over existing parking spaces on the west and south side of the development.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

1. Delete the requirement to provide one canopy tree per 33 linear feet of street landscape border along Langley Avenue which equates to 12 trees, 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:

Sections 4.7.15, .20 and .21 *Office Zone (O-3) and Commercial Zone (C-1 and C-2)* and Table 4.8-3, and 4 *Permitted Uses – Office Zones, Commercial and Mixed Use Zones*, which provides the use criteria in the O-3, C-1 and C-2 zones; 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-1, C-2 and O-3; (medical service - outpatient)

North: Zoned O-3; (townhomes)

South: Zoned RX-1; (church)

East: Zoned C-2; (wash, shopping center)

West: Zoned O-3; (church)

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 request was reviewed by the DRB (Case DRB-19-10) on June 21, 2019. The DRB recommends approval of the requested variance, subject to the condition that the street landscape border along Golf Links Road be brought back to the minimum landscape requirements of the UDC standards.

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 3.34 acre site zoned C-1, C-2 and O-3 and is developed with a community health center. The applicant is proposing to

construct solar canopies over existing parking spaces on the west and south side of the development. The proposed development triggers compliance with the Tucson *Unified Development Code (UDC)*.

Street Landscape Border

Per *UDC* Section 7.6, one canopy tree is required for every 33 linear feet of landscape border or fraction thereof. Based on a street landscape border length of 396 feet along Langley Avenue, the required number of canopy trees is 12. The applicant is requesting a variance to delete the requirement to provide the 12 trees because the canopy of the trees will interfere with the performance of the solar panels.

Discussion

The El Rio Health Center is located on the south side of Golf Links Road west of Kolb Road. The building is currently being expanded and as part of the project, solar canopies are proposed to be installed over the parking spaces on the west and south portions of the site. The solar canopies are projected to provide 75% of the power for the building which will significantly reduce their carbon footprint on the environment.

The installation of the solar canopies along Langley Avenue will require the removal of existing trees. All other requirements of the street landscape border will be provided in conformance with the *UDC*. The location of the solar canopies is the most logical given the physical circumstances of the site. The existing easements, clearances from fire apparatus, and projected shade from the building limit the options for placement of the solar canopies.

The trend to install solar canopies over existing parking spaces is obvious throughout the city. Although canopy trees will not be provided along Langley Avenue, the installation of the solar canopies will provide shade over the asphalt and reduce the reliance on traditional power to the building which will benefit the environment and community. In addition, the streetscape view will be enhanced with ground cover plantings and bushes to help soften the visual aspect. These proposed plantings will be more than what is currently provided in the street landscape border.

Conclusion

Given that there are special circumstances that exist such as existing easements, clearances from fire apparatus, and projected shade from the building that limit the placement of the canopies; 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 applicant will still provide the required plantings other than the trees, staff can support the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated May 20, 2019, and the meeting sign-in sheet dated June 5, 2019.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variance, subject to the following condition:

- A. The street landscape border along Golf Links Road shall be brought back to conformance with the minimum landscape requirements of the UDC standards.

It is the opinion of staff that granting of the variance 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, Zoning Administrator

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