

# STAFF REPORT

**DATE:** November 28, 2018

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T18SA00423**

**C10-18-18 THE SLAUGHTERHOUSE / TUCSON SCREAMERS, INC., / 1102 WEST GRANT ROAD, I-1**

The applicants' property is an approximately 3.89 acre site developed with an entertainment use and is zoned I-1 "Industrial". The applicants are proposing to add a parking lot and install shipping containers on site at a greater than twenty-five percent expansion, which triggers full code compliance.

## **THE APPLICANTS' REQUEST TO THE BOARD**

The applicants are requesting the following variances:

1. Eliminate the street landscape border along Grant Road;
2. Eliminate the street landscape border along Flowing Wells Road;
3. Allow the existing perimeter wall to remain as constructed up to the property lines and serve as a screen wall at an increased height from 6' to 8'8"; and
4. Eliminate the 30" screen wall along the east parking lot, adjacent to Flowing Wells Road, 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 4.7.29 and Table 4.8-7* which provides the criteria for commercial development in the I-1 zone; and

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

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

**SITE: ZONED I-1; (entertainment use)**

North: Zoned I-1; (across Flowing Wells road: commercial uses)

South: Zoned I-1; (across Grant Road, vacant land)

East: Zoned I-1; (across Flowing Wells Road, vacant land)

West: Zoned I-2; (utility use)

## **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-18-12) on October 19 2018. The DRB recommends approval of the requested variances, with the following conditions:

1. (With permission of the Department of Transportation) Provide decorative gravel extending from the existing mural wall to the sidewalk/curb along the Grant Road right of way, to improve appearance of Grant Road;
2. Along the eastern facade of the building, between the mural wall and loading dock, provide plantings materials; and
3. Along the northern portion of the property, along Flowing Wells Road, where available between the perimeter wall and the right-of-way, provide at a minimum a three feet wide landscaping, with additional landscaping on both sides of the entrance gate. The landscaping shall contain similar plant materials as proposed the in the landscape plan.

### **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 3.89 acre site developed with an entertainment use, zoned I-1 "Industrial", at the northwest corner of Grant Road and Flowing Wells Road. The applicants are proposing to add a parking lot and install shipping containers on site at a greater than twenty-five percent expansion, which triggers full code compliance.

### **Landscaping and Screening**

Per *UDC* Section 7.6, a minimum 10' wide street landscape border is required along Grant Road and Flowing Wells Road (both east and north orientations of the roadway). Due to the existing site constraints, the applicants propose to delete the 10' wide onsite street landscape border on all street frontages.

The existing perimeter wall on the south, part of the east, and north boundaries of the site is built primarily up to the property lines. The wall was constructed circa 1966, under prior use of the site as a meat processing facility (Pima County Assessor record). In 2010, the site changed use to the current entertainment venue (haunted house), without site improvements.

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 at the east street boundary (Flowing Wells) of the site. This paved area is used for trash service, loading and parking.

### **Discussion**

The site was built in 1966 and used formerly as a meat packing facility, per Pima County Assessor records. The present building and site walls are from the original construction era.

Under the present entertainment use, operations have expanded to more activities from just seasonal events with the original haunted house venue. The owner is now seeking to make improvements to the property. Drainage basins are being added to the west side of the site. In addition, a paved parking lot is planned at the west side of the site, to be accessed off the northern Flowing Wells site boundary, and an interior screen barrier comprised of metal shipping containers is planned just west of the existing building. The interior screen barrier is proposed to help reduce noise. As these site alterations exceed twenty-five percent expansion of use and or building area, full code compliance is triggered. In turn, such site improvements cause applicable landscaping and screening elements to be reviewed. As the site perimeter wall is constructed nearly to property lines, and paving on the east is for

access to trash, loading and parking, the existing conditions of the site limit compliance with *UDC* regulations regarding landscaping and screening.

**Conclusion**

Given there are special circumstances, such as existing buildings, perimeter walls and access points 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 the applicants are bringing the site closer into conformance with providing paved parking and improving the property by constructing an interior noise barrier, staff can support the requested variances, with conditions.

**NEIGHBORHOOD CONTACT (BY APPLICANTS)**

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

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff recommends approval of the applicants' requested variances, subject to the following conditions:

- A. Provide decorative gravel extending from the existing mural wall to the sidewalk/curb along the Grant Road right of way, subject to approval by Tucson Department of Transportation (TDOT). Landscape material shall be maintained by the property owner at no cost to the City.
- B. Provide plant materials along the eastern facade of the building, in the dirt space between the mural wall and edge of the loading dock; and
- C. Augment proposed landscaping along northern portion with additional plant materials on both sides of the north entrance gate between the perimeter wall and the right-of-way in areas with a minimum three (3') foot width. Plant materials shall be from the plant palette proposed on the landscape plan.

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.

Heather Thrall, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator

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