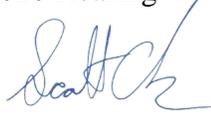




MEMORANDUM

DATE: July 15, 2020
For July 30, 2020 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark 
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE – CHANGE OF CONDITIONS AND
PRELIMINARY DEVELOPMENT PLAN
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-15-66 TEP – Harrison Road, C-1 (Ward 2)

Issue – This is a request by Tucson Electric Power Company (TEP) for approval of change of special exception conditions and preliminary development plan, including a five-year time extension to meet all conditions and code requirements for 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, and west of Harrison Road (see Case Location Map). The revised preliminary development plan (PDP) 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.O 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 renders 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. Pursuant to *UDC* 3.4.3.J, an applicant may request a change in condition of approval of a Zoning Examiner Special Exception Land Use. The request must be submitted to the PDS and reviewed by the PDS staff for recommendation to the Zoning Examiner. The request is then considered at a public hearing in accordance with procedures in *UDC* Section 3.4.3.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested change of conditions and change of PDP, and the requested five-year time extension, subject to the attached revised preliminary conditions.

Background Information

Original approval of SE-15-66 TEP – Harrison Road: On October 29, 2015 the Zoning Examiner held a public hearing regarding a Zoning Examiner Special Exception request on the 5.43-acre subject property for approval of an electric substation as a special exception land use in the C-1 zone. According to the applicant, the substation was needed to meet electrical load demands, and contingencies for the service area, especially in the summertime. On November 6, 2015 the Zoning Examiner approved the request with conditions.

Existing Land Use: Vacant undeveloped land

Zoning Description:

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses shall be permitted.

Surrounding Zones and Land Uses:

North: Zoned R-1; Single-Family Residential
South: Zoned R-2; Single-Family Residential & Multi-Family Residential
East: Zoned C-1; Single-Family Residential & Vacant
West: Zoned R-1; Single-Family Residential

Previous Cases on the Property:

C9-86-45 Mafi Incorporated – Speedway Boulevard, SR to B-1 (C-1) Zone This was a rezoning request for 8.61 acres at the northwest corner of Harrison Road and Speedway Boulevard, to allow the development of a shopping center. On July 2, 1990, Mayor and Council adopted Ordinance No. 7447 on November 24 1986. On July 6, 2015, a minor change was made to the original preliminary development plan, allowing for the removal of the requirement for a secondary six-foot tall masonry wall along the north and west boundaries.

Related Cases:

SE-08-45 Cienega Substation – Colossal Cave Road, RH Zone This was a request for approval of a special exception land use for an electrical substation, approximately 2.58 acres in size, located in the RH zone. The substation is located on 12.7 acres located north of Dawn Drive, approximately 750 feet west of Colossal Cave Road. The Zoning Examiner approved the special exception on January 15, 2009.

Applicant's Request – The applicant requests a revision to the original PDP and to some of the approved special exception conditions, including a five-year time extension. The submitted design compatibility report states that while changing regional growth patterns in the area have delayed construction of the electric substation, the need for the facility remains.

The requested changes to the approved conditions are summarized as follows:

Condition 1: The application package, including the PDP dated August 24, 2015 has been updated with the following changes, which are depicted on the revised PDP, submitted by the applicant, and dated March 24, 2020:

a. The substation footprint (area to outside face of screen wall) has been expanded to the west by 17 feet and increased from 78,730 square feet to 83,200 square feet in order to allow for a modular switchgear shelter and an area for maintenance vehicles to be staged within the substation wall.

b. Both transformers have been upgraded to 75 megavolt amperage (MVA) from 50MVA. This upgrade does not increase the noise profile.

c. The setback from the west property line to the wall has been decreased from 163 feet to 146.2 feet.

d. The two (2) 75MVA transformers have been relocated to the southern portion of the substation. The distance from the transformers to the nearest residence has increased from 105 feet to 220 feet.

e. The proposed driveway to Harrison Road has been shifted south 14 feet, away from the residences, to allow for security equipment at the northeast corner of the substation.

f. The height of the lightning masts has been reduced from 60 feet to 55 feet. There are eight masts in total from the approved six. The distance from the lightning masts to the nearest residence has increased from 100 feet to 130 feet.

g. Basin volume has been expanded from 4.35 acre-feet to 5.04 acre-feet due to the increased substation footprint. The basin volume increase was accomplished by expanding the basin to the south, and steepening the slope along the east side of the basin from 4:1 to 3:1. Along with the change in slope to 3:1, 296 linear feet of handrail was added at the top of this 3:1 slope.

h. The surface drainage discharge from within the substation has been changed from wall openings in the west wall, to drain inlets adjacent to the west wall.

i. The basin outlet weir design has been changed by adding a two-cell concrete box culvert adjacent to the northwest corner of the substation in order to ensure the location of the outflow is still in the same location as the existing.

j. The transmission line drop-in structure has been moved 40 feet to the east. The 83-foot-tall transmission structure was moved next to the substation wall in the former location of the drop-in structure (see Attachment 7). There are three new structures, the first, on the south side of Speedway Blvd. and two adjacent to the substation wall.

Condition 6: TEP will not implement and effectuate all code requirements and conditions prior to November 2020, as the in-service date has been extended to November 2021. Therefore, TEP requests a five-year extension of the SELUP to November 2025, in the event the substation in-service date is pushed back further.

Condition 9: The original condition was for lightning masts taper from 14 inches at ground level to 6 inches at the peak. The new/revised proposed condition is for a width of 16 inches at ground level, tapering to 11 inches at the peak.

Condition 10. The original condition was for lightning masts to be no taller than 60 feet. The revised maximum height of masts is being reduced to 55 feet.

Condition 11: TEP no longer requires a communications tower at the substation. The 70-foot-tall tower has been eliminated from the PDP.

Condition 12: Due to the increased substation footprint the screen wall setback from west property line has been reduced from 166.2 feet to 146.2 feet. While this setback has decreased by 20 feet, the landscaped basin still provides a significant visual buffer between the substation and residences to the west.

Condition 13: TEP uses the industry standard galvanized finish on the lightning masts for purposes of long-term maintenance. TEP requests changing the self-weathering finish for the lightning masts to a galvanized finish. This finish oxidizes and is non-reflective. The originally proposed self-weathering finish drips material onto the equipment below causing long-term damage to the equipment.

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

PT 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 surrounding 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. All proposed changes to conditions and to the PDP are consistent with and supported by *PEAP*, *WNP*, and *PT* policies

The special exception site is zoned C-1 commercial zone and currently vacant. To the east across Harrison Road 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.

Design Considerations

Land Use Compatibility – 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 Walgreens 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 no longer includes a 70' tall TEP communication tower, and the number of lightning mast poles will increase from six to eight, with a maximum height reduction from 60 feet to 55 feet. The lightning masts are a necessity to protect on-site TEP infrastructure. TEP has provided documentation showing the proposed height of 55 feet and number (8) being the industry standard for 138 kV substation of this size. As shown on the revised preliminary development plan dated March 24, 2020, 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.

Drainage/Grading/Vegetation – The terrain is generally flat with the Jasmine Wash running north to south along the western portion of the site. The characteristic vegetation is creosote, bur sage, and cacti species, with mesquite, palo verde, and acacia found in and along the wash. Staff supports maintaining a vegetated riparian zone on either side of the Jasmine Wash to help clean

and slow down stormwater runoff generated by the proposed substation. Any proposed wall opening needed to allow and meet drainage requirements to be designed to allow small wildlife to migrate through the site along the Jasmine Wash.

Approximately 4.21 acres of the total 5.89 acre site will be graded. The grading area includes the substation equipment area and a water detention/retention area to mitigate storm water runoff, encroachment upon the Jasmine Wash. The detention / retention area will be vegetated with native water tolerant plants that will aid in water treatment and help mitigate flooding off-site.

Conclusion – The proposed changes of conditions, and change to the preliminary development plan are consistent with the *Wrightstown Neighborhood Plan*, the *Pantano East Area Plan*, *Plan Tucson* and in compliance with performance criteria of UDC 4.9.11.A. Subject to compliance with the attached revised preliminary conditions, approval of the requested special exception land use in the C-1 zone is appropriate.

PROCEDURAL

1. A development package in general compliance with the preliminary development package dated 3/24/2020 and required reports dated 3/24/2020, 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. Ten 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 16 inches at ground level to 11 inches in diameter at their peak.
10. Lightning mast height shall be no more than 55 feet tall.

SE-15-66 TEP – Harrison Rd (Change of Conditions, 2020) Zoning Examiner Special Exception Preliminary Conditions (Revised Preliminary Development Plan and Conditions)

11. There shall be no communication tower constructed as part of the facility.
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 forty (140) feet from the west property line.
13. TEP communication tower and lightning mast poles to be constructed with a non-reflective and oxidizing galvanized finish that will 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.

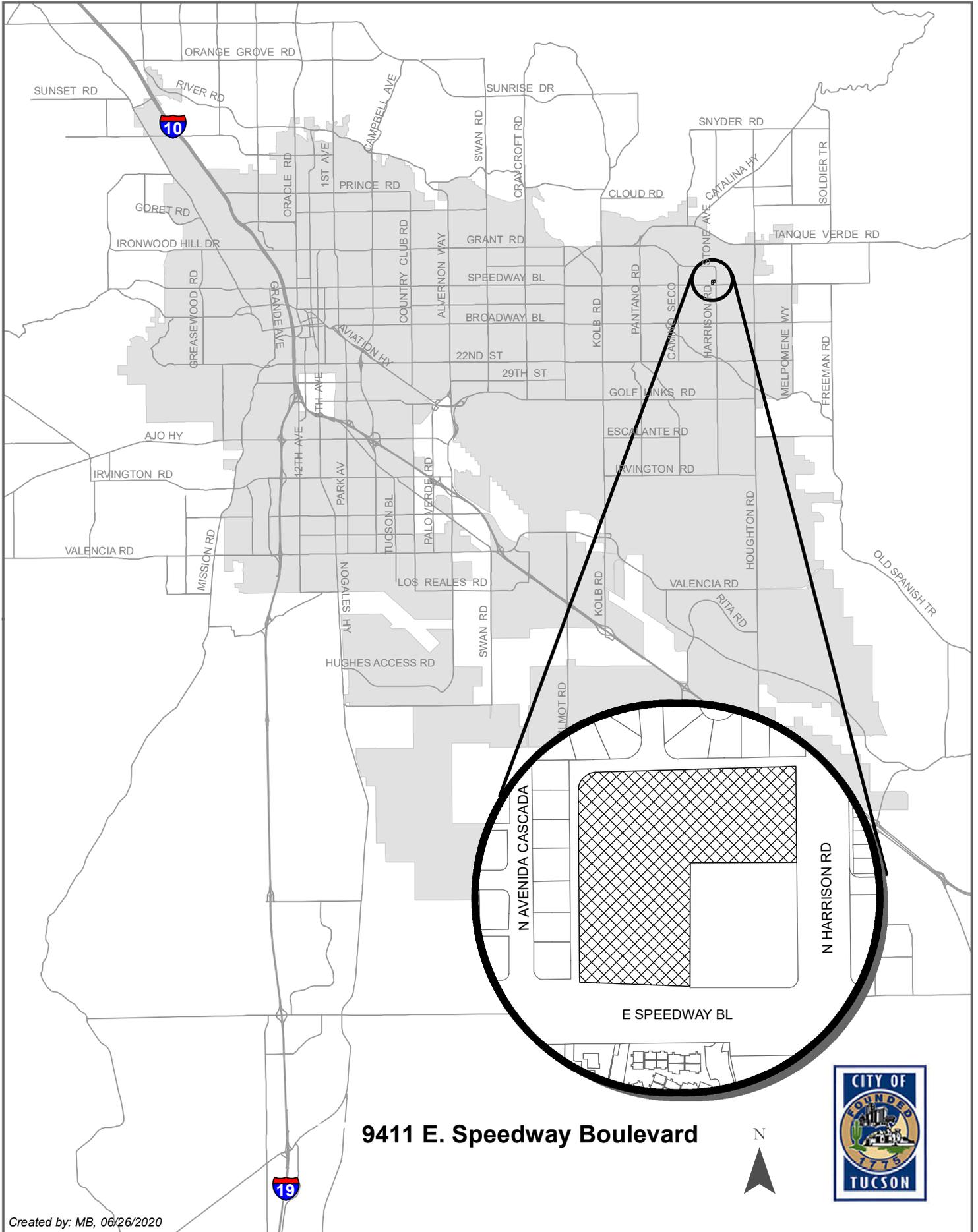
DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

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 3/24/2020. Remaining open space adjacent to the Jasmine Wash to be planted with a native desert hydroseed mix.

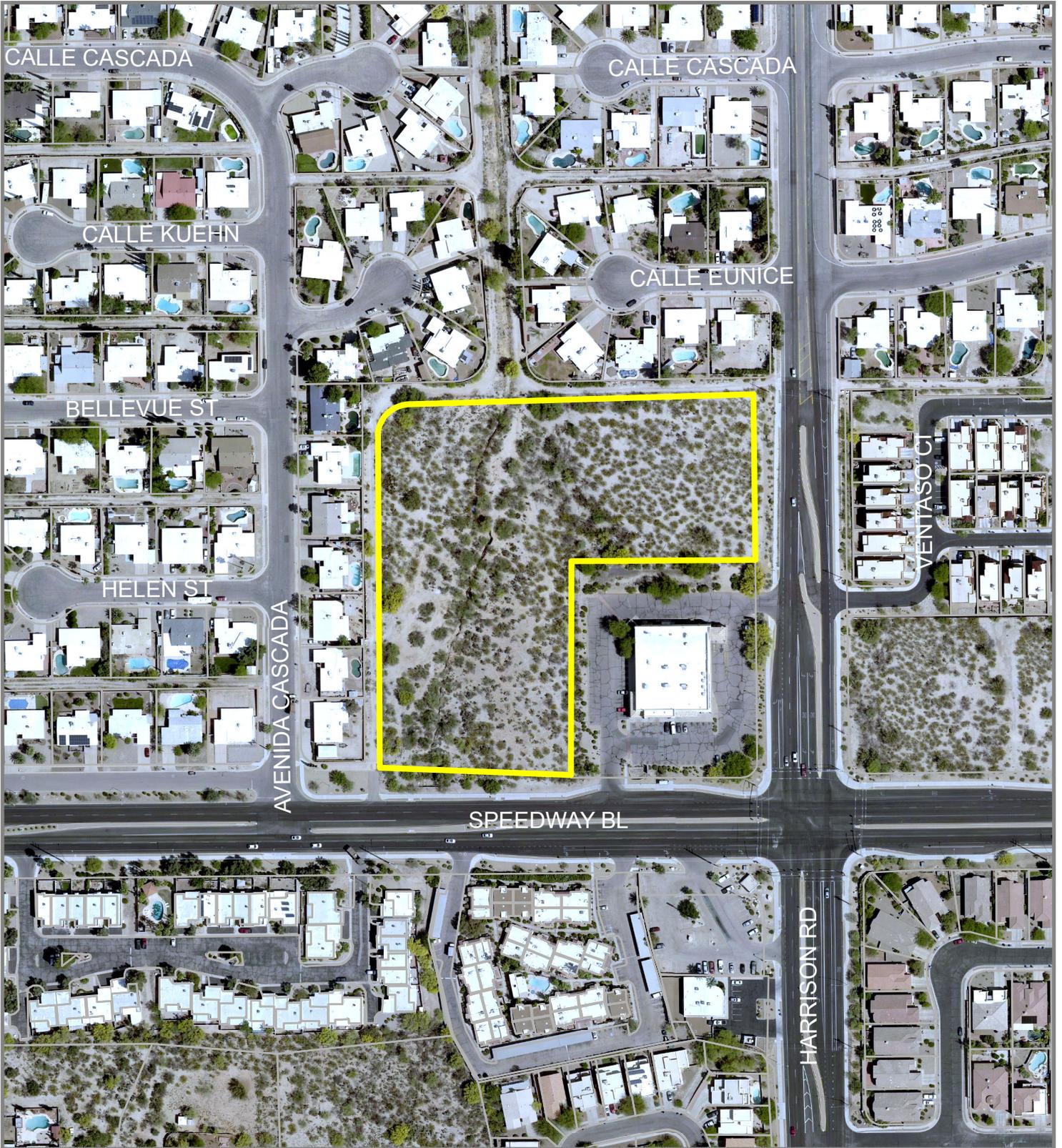
SE-15-66 TEP – Harrison Rd (Change of Conditions, 2020) Zoning Examiner Special Exception Preliminary Conditions (Revised Preliminary Development Plan and Conditions)

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 3/24/2020.
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 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 (Change of Conditions)



SE-15-66 Tucson Electric - Harrison Road (Change of Conditions)



2018 Aerial

Created by: MB, 06/26/2020



Address: 9411 E. Speedway Boulevard

Base Maps: Sec.03 T.14 R.15

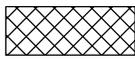
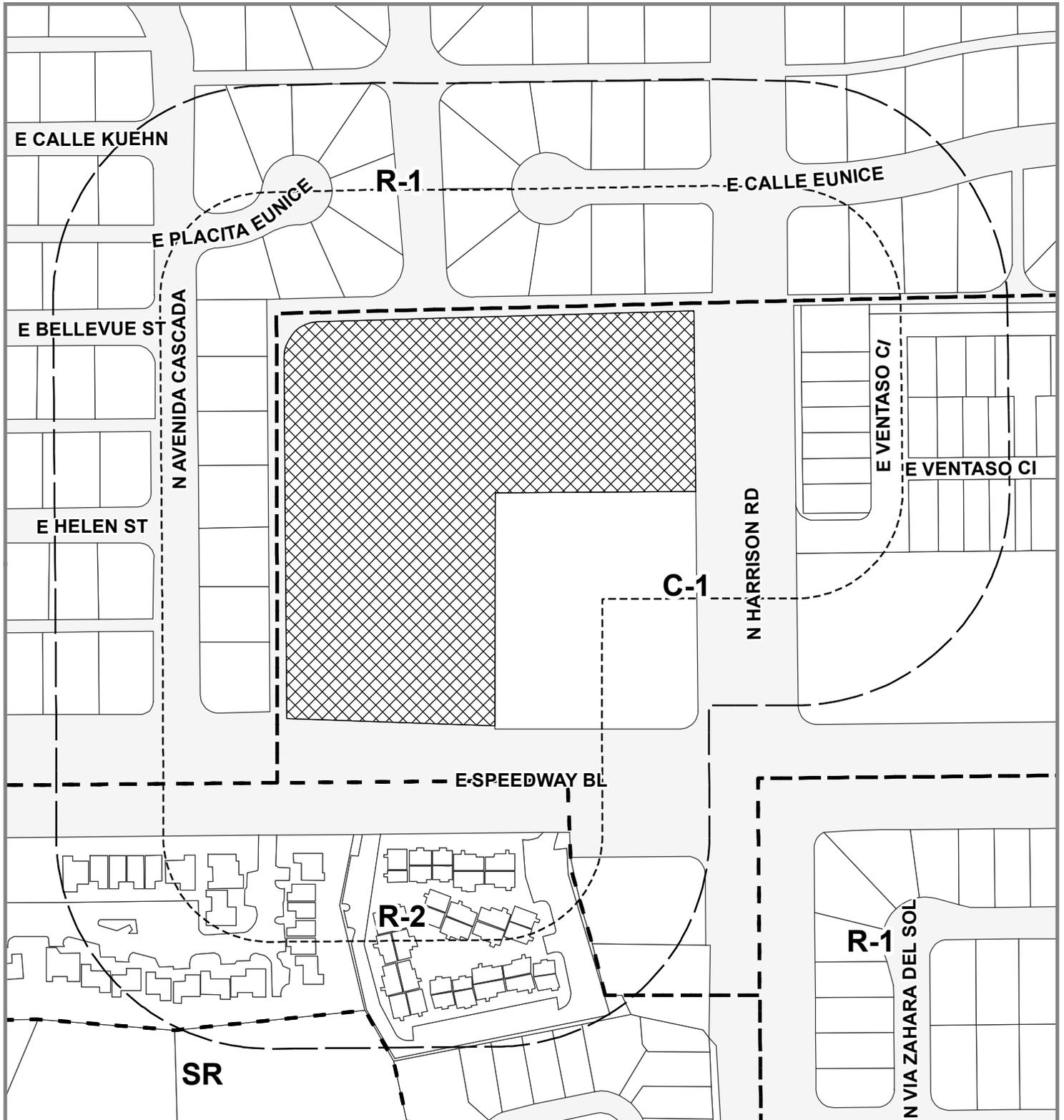
Ward: 2



1 inch = 208.951123 feet



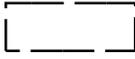
SE-15-66 Tucson Electric - Harrison Road (Change of Conditions) Z.E. Special Exception



Area of Special Exception Request



Protest Area (150-foot Radius)



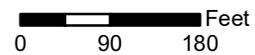
Notification Area (300-foot Radius)



Zone Boundaries



Address: 9411 E. Speedway Boulevard
Base Maps: Sec.03 T.14 R.15
Ward: 2



1 inch = 191.7 feet



Place
Stamp
Here

City of Tucson
Planning & Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

SE-15-66

Expose this flap - Affix stamp and return



City of Tucson
Planning & Development Services
Department -Rezoning Section
201 N. Stone Avenue
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SE-15-66
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED