



# MEMORANDUM

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DATE: October 14, 2015  
For October 29, 2015 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Jim Mazzocco, Interim Director  
Planning & Development Services  
Director

SUBJECT: SPECIAL EXCEPTION LAND USE  
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 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, approximately 285 feet west of Harrison Road and west of Harrison Road approximately 335 feet north of Speedway (see Case Location Map). The preliminary development plan 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 will render 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.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Undeveloped

## Zoning Descriptions:

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 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 approval of a proposed 138kV substation as a special exception land use on 5.43 acres in the C-1 zone.

**Planning Considerations**

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

*Plan Tucson* 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 adjacent 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.

The special exception site is zoned is C-1 commercial zone and currently vacant. To the east 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 includes a 70' tall TEP communication tower, and six 60' tall lightning mast poles. The lightning masts are a necessity to protect on-site TEP infrastructure. TEP has provided documentation showing the proposed height (60 feet tall) and number (6 masts) being the industry standard for 138 kV substation of this size. As shown on the preliminary development plan dated 8/24/15, 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.

Use-Specific Standards – Power substations are allowed as a Special Exception land use providing they meet the criteria established in 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

*4.9.11.A Distribution System.*

*1. The setback of the facility, including walls or equipment, shall be 20 feet from any adjacent residential zone.*

The substation, including walls and equipment, is setback at least 20 feet from all sides of the lease area.

*5. The use shall not have any service or storage yards.*

The proposed substation does not have any service or storage yards.

*9. The use shall be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet, nor more than ten feet, in height.*

The proposed substation is enclosed by a masonry wall, ten feet in height.

Conclusion – The proposed substation use is 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. The proposed screening and will minimize visual impacts on the surrounding natural and built environment. Subject to compliance with the attached 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 8/24/15 and required reports dated 10/14/15, 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. Five 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 8 to 4 inches in diameter above the 14-foot-height.
10. Lightning mast height shall be no more than 60 feet tall.

11. TEP communications tower to be located along the south perimeter of the substation wall enclosure, a minimum of 130 feet south of north property line as shown on PDP dated 8/24/15.
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 sixty (160) feet from the west property line.
13. TEP communication tower and lightning mast poles to be of a neutral matching color with non-reflective paint.
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 8/24/15. Remaining open space adjacent to the Jasmine Wash to be planted with a native desert hydroseed mix.

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 8/24/15.
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 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.

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all

claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

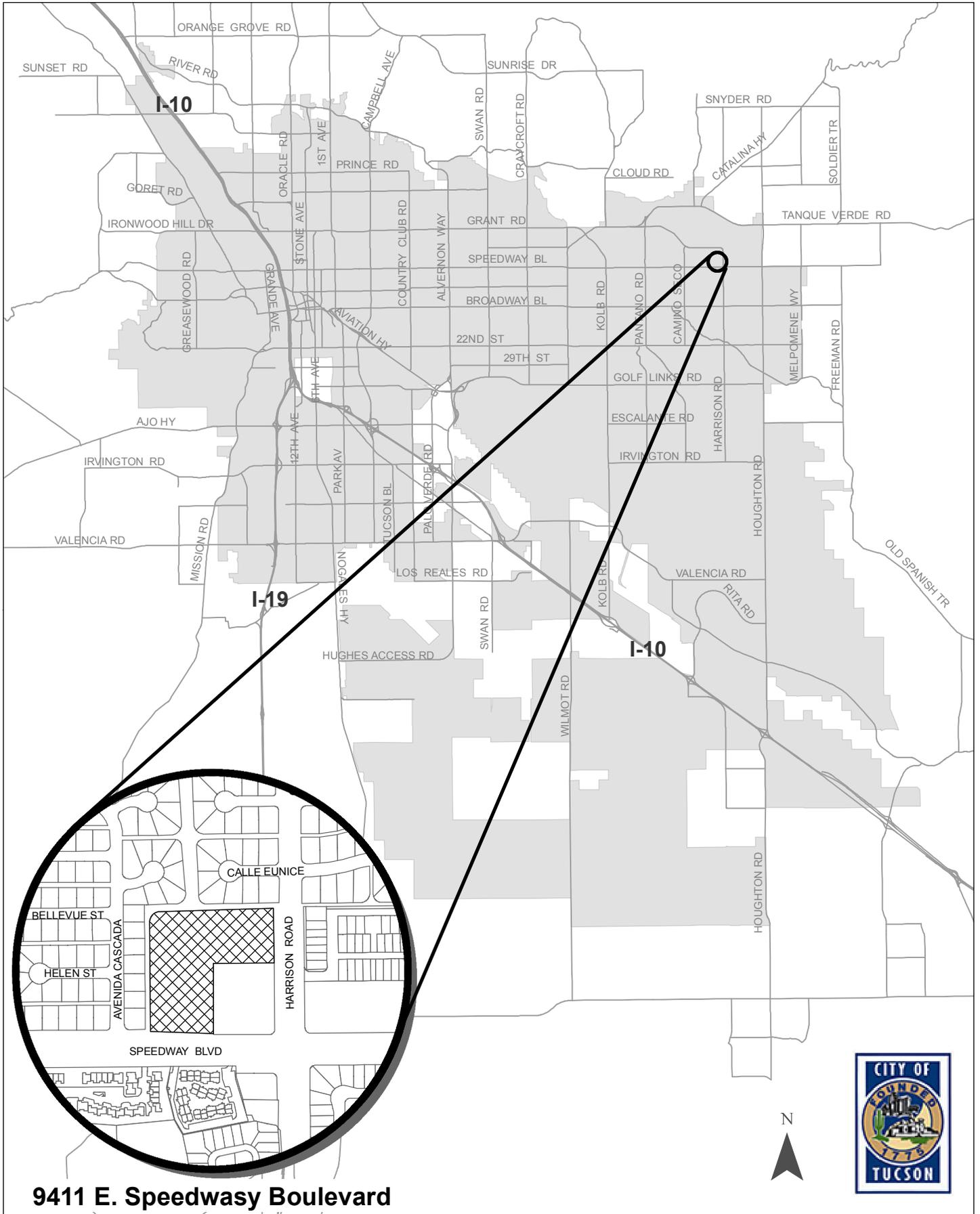
My Commission expires:  
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.

# SE-15-66 Tucson Electric - Harrison Road



**9411 E. Speedway Boulevard**

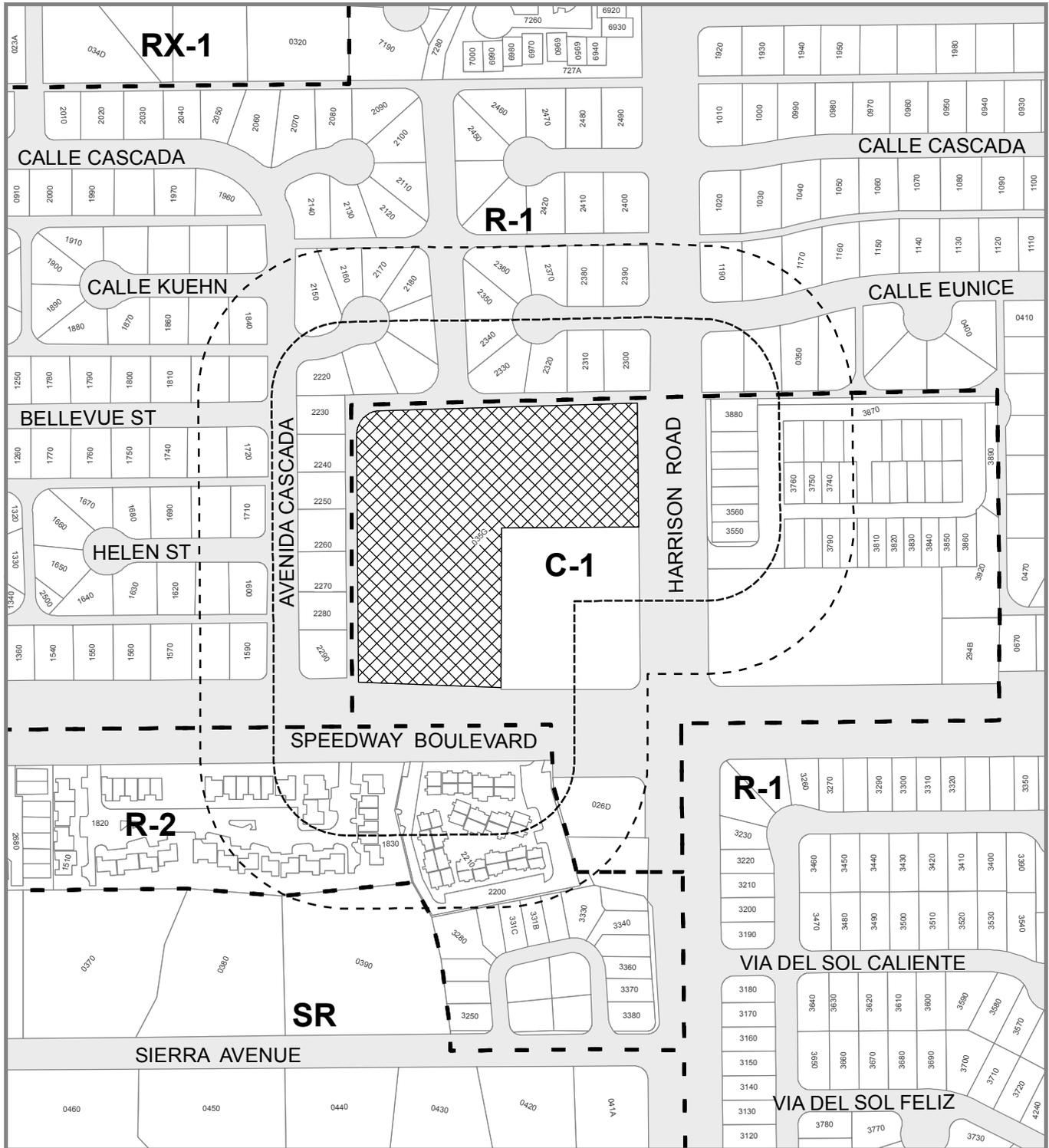


**SE-15-66 Tucson Electric - Harrison Road**  
2014 Aerial

0 50 100 200  
Feet  
1 inch = 200 feet



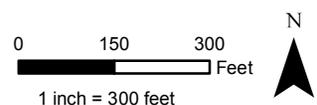
# SE-15-66 Tucson Electric - Harrison Road Z.E. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area



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



**PUBLIC FACILITIES AND SERVICES REPORT FOR October 29, 2015**  
(as of October 5, 2015)

**SE-15-66 TEP – Harrison Road, C-1 Zone**

**CITY AGENCIES**

**Planning & Development Services – Community Planning:** See attached comments dated 9/01/15.  
**Planning & Development Services – Engineering:** See attached comments dated 9/03/15.  
**Planning & Development Services – Zoning Review:** See attached comments dated 9/11/15.  
**Planning & Development Services – Sign Code:** See attached comments dated 9/14/15.  
**Tucson Water New Area Development:** See attached comments dated 9/22/15.  
**Office of Integrated Planning – Landscape:** See attached comments dated 9/29/15.

**No Objections Noted**

**City of Tucson, Real Estate Program**  
**Transportation – Engineering**  
**Transportation – Traffic Engineering**  
**Planning & Development Services – Landscape**  
**Tucson Fire Department**  
**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Tucson Parks and Recreation**  
**Tucson Police Department**  
**Office of Conservation & Sustainable Development**

**NON-CITY AGENCIES**

**PAG-TPD:** See attached comments dated 9/15/15.

**No Objections Noted**

**Tucson Unified School District**  
**Pima County Wastewater**  
**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, October 14, 2015 at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



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

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

SE-15-66  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED