



**BROADWAY VOLVO PLANNED AREA DEVELOPMENT (PAD) ZONE  
PROPOSED REVISIONS  
Enforcement of the PAD Zone **DRAFT****

**Proposed Change**

**Part 3. PLANNED AREA DEVELOPMENT ZONE**

**P. Interpretation and Compliance**

The Broadway Volvo PAD Zone is governed by the standards within this document. If there is a dispute between a PAD standard and a Unified Development Code (UDC) standard regarding the same provision, feature, or issue, the PAD standard prevails. All UDC provisions not exempt or replaced by this PAD document continue to apply.

**Development and Design Review.** All development in the PAD shall be reviewed for conformance to the goals of the PAD document and compliance to the above development and design standards. Except as expressly modified herein, review procedures shall follow UDC Section 5.12.6 [Infill Incentive District Review and Approval Procedures](#).

**1. Pre-application Conference**

A pre-application conference with the PDSD staff as outlined in UDC Section 3.2.1 is required to determine whether proposed development and parking meet the development standards of the PAD, and whether the application will be reviewed through the Major or the Minor Design Review Procedure as described below.

**2. Major Design Review**

- a. The Major Design Review process is required if any two or more of the following criteria are met by a development proposal containing structures that are higher than:
  - i. four stories or 49 feet, or
  - ii. two stories or 25 feet if adjacent to detached single-family residential or duplex dwellings.
  - iii. if the development is within 300 feet or less of a detached single-family residential or duplex dwelling.
- b. The development proposal is at any one or more of the following locations:
  - i. At an intersection of one or more arterial streets.
  - ii. Adjacent to or across from:
    1. a detached single-family residential or duplex dwelling; or,
    2. a Historic or Contributing structure.
  - iii. On a vacant Historic Preservation Zone (HPZ) or Neighborhood Preservation Zone (NPZ) parcel .



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- iv. On a multi-zone parcel subject to Section 5.12.8.F.
  - v. Within, or adjacent to an HPZ, or NPZ, or a National Historic Register District, or any combination of the three. The definition of the term "adjacent," as it applies in the IID, is defined in Section 11.4.2.
- c. Notices  
For Major Design Review, the notice process must follow UDC Section 3.2.2, *Neighborhood Meetings*, except as expressly modified herein.
- d. Review and Approval Procedures
- i. Review and comments from a neighborhood meeting;
  - ii. Review by City's Design Professional, and by TDOT for any changes impacting the public right-of-way;
  - iii. Review by IID Design Review Committee (IID DRC) and recommendation to the PDSD Director;
  - iv. Decision by the PDSD Director pursuant to PAD Section **P.6. Final Approval**.
- e. Minor Development Exemption  
A redevelopment proposal that is 2,500 square feet or less in area and/or not visible from a street is exempt from the Major Design Review process and shall proceed through the minor design review.
- 3. Minor Design Review**
- a. Criteria  
The proposed development does not meet the criteria for a Major design review in PAD Section P.2 above.
- b. Review and Approval Procedures
- i. A neighborhood meeting;
  - ii. Review by the City's Design Professional and recommendation to the PDSD Director; and,
  - iii. Decision by the PDSD Director pursuant to PAD Section **P.6. Final Approval**.
- c. Notices  
For Minor Design Review, notice of the neighborhood meeting must be sent to all of the following:
- i. All owners of property within 50 feet of the development site; and,
  - ii. The Neighborhood Liaisons established as part of **PAD Section \_\_. Neighborhood Coordination**.



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4. Neighborhood Meeting
  - a. Prior to filing an application for a development package or parking plan using the PAD Zone, an applicant must hold a neighborhood meeting in compliance with the public notice procedures for neighborhood meetings in Section 3.2.2., except as expressly modified herein.
  - b. The applicant must prepare a written summary of the meeting. A copy of the written summary of the meeting must be filed with PDSD at the time of filing the development application for a project.
  - c. The applicant will also send a copy of the written summary to the Neighborhood Liaisons.
  - d. The Neighborhood Liaisons or any property owner within the notice area may file with the PDSD Director a statement of concurrence or dissent with the accuracy of the applicant's written summary of the meeting. If a dissent is filed, it must state the exact reasons for the dissent.
  - e. The applicant will send periodic project updates to the Neighborhood Liaisons in accordance with the communication plan required as part of **PAD Section \_\_, Neighborhood Coordination**.
  
5. PDSD Director Decision
  - a. The IID DRC's and Design Professional's recommendations are advisory to the PDSD Director, and the Director makes the final decision on a project's compliance with IID and applicable Subdistrict requirements and standards .
  - b. The IID DRC and the Design Professional may recommend, and the Director may add special conditions to an approval pursuant to Subsection J above, to assure compliance with the intent of the IID, to address safety issues, and to address certain development commitments to adjacent neighbors made by the applicant.
  - c. Special conditions may include mitigation standards or plans based on the scale, setting, and intensity of the proposed development on a case by case basis. Examples of such plans may include, but are not limited to any one or more of the following:
    - i. A vehicular reduction plan to ensure residences are most effectively using alternate modes of transportation. Proposed methods to reduce vehicular use may be one or more of the following: transit passes, ride share, bike share or car share programs, shared parking agreements among multiple uses, and proposals to separate the cost of parking



## BROADWAY VOLVO PLANNED AREA DEVELOPMENT (PAD) ZONE PROPOSED REVISIONS Enforcement of the PAD Zone **DRAFT**

spaces from residential building spaces or a similar method approved by the PDSO Director.

- ii. A noise mitigation plan to ensure the design of the proposal does not substantially increase noise above current ambient noise levels.
- iii. A traffic impact analysis that may include a mitigation plan with traffic calming elements and safety improvements.
- iv. A behavioral management plan and security plan that includes self-policing and techniques to reduce the impacts of noise, odors, unruly behavior or other similar adverse effects on adjacent residential property.
- v. A shadow plan when adjacent to detached single-family dwellings.
- vi. A ground vibration monitoring study adjacent to historic structures.
- vii. Proposed projects within or adjacent to an HPZ should reference the appropriate HPZ guidelines in Section 9-02.7.0 of the Technical Standards Manual.

### 6. Final Approval

Within ten days after receiving final recommendations from the IID DRC and the City's Design Professional, the PDSO Director must make a final decision pursuant to PAD **Section 5**, except as provided below.

The City of Tucson's Zoning Administrator is the official interpreter of this PAD document.

**Exemptions.** In addition, unless by a finding of the PDSO Director that public safety and health would be jeopardized, the Broadway Volvo PAD is also exempt from the following:

- Section 5.4 Major Streets and Routes Setback Zone;
- Section 6.3 Minimum perimeter yard standards, maximum lot coverage standard, and minimum lot size standards;
- Section 7.6 Landscaping and Screening Standards; and
- Section 7.7 Native Plant Preservation Standards.

All standards related to grading, water harvesting, civil engineering, outdoor lighting, and building construction on the site shall be in compliance with existing City codes and standards.

### 7. Appeals

Except for a decision on a proposed group dwelling, which is approved or denied by the Mayor and Council pursuant to Section 3.4.4, Mayor and



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Council Special Exception Procedures, appeals of the PDSD Director's decision must be filed and are heard in accordance with the Board of Adjustment appeals process in Section 3.10.2 for developments reviewed pursuant to the minor review process and with the Mayor and Council for developments reviewed pursuant to major review process in Section 3.9.2.

**8. Timeline for Approval**

Timelines for approval are contained in Section 3.02 or 3.03 of the Administrative Manual depending upon the procedure chosen by the developer of the IID project.

**Q. Amendment Procedures.**

The approved PAD document may be amended through the process outlined in the UDC Section 3.5.5.J.



**BROADWAY VOLVO PLANNED AREA DEVELOPMENT ZONE - COMMENTS RECEIVED DRAFT**

**Key Issue 3**

Key Word	Existing Section Location in Original PAD	Comment Received
Enforcement of the PAD	Part 3. Section O	Also, giving the PDS Director a number of areas where he/she can grant exceptions is also not acceptable.
Enforcement of the PAD	Part 3. Section O	The PAD conditions SHALL also be recorded as deed restrictions on the property. This will give neighborhoods legal access to making sure the PAD conditions are followed. Too many times we agree to PAD conditions and changes are made by the PDS Director, which undo the protections for the neighborhoods that were agreed to. PDS Directors come and go, as do owners of the PAD. These two parties often say, but I didn't agree to this condition. I wasn't involved at the time. Also, any changes to PAD conditions whether minor or major (minor or major are in the eye of the beholder) must be approved by the tripartite commission. For instance, it is suggested that changes in storm water drainage (community infrastructure) may be minor. But if those changes result in additional runoff into the neighborhood causing flooding of houses or businesses, that is not minor.
Enforcement of the PAD	Part 3. Section O	The PAD must include clear enforcement methods. My recommendation is to put into place a three-party group including neighborhood representatives, the developer and the City, to ensure adherence to agreements, following the spirit and language of the PAD
Enforcement of the PAD	Part 3. Section O	Remove the discretion of the PDS Director to make changes on her/his own.
Enforcement of the PAD	Part 3. Section O	My primary concern for now is who has the authority to monitor and make "corrections" once the PAD goes to the highest bidder and the project is underway? After the City Council ignored the recommendations put forth by the Broadway Widening Citizen/Neighborhood Task Force (a 2 year effort as I recall) I am skeptical that any of our negotiated recommendations will be adhered to. Who's accountable?
Enforcement of the PAD	Part 3. Section O	Can we include deed restrictions to enforce PAD?
Enforcement of the PAD	Part 3. Section O	Do PADs change?
Enforcement of the PAD	Part 3. Section O	The PAD allows the PDS Director to make some changes without any communication to the neighborhood.
Enforcement of the PAD	Part 3. Section O	A design review process needs to be included.
Enforcement of the PAD	Part 3. Section O	You need to write the PAD expecting the worst case development and uses going in. This is the only time to address it.
Enforcement of the PAD	Part 3. Section O	There needs to be a commitment for the property owner, the neighborhoods, and the City to meet regularly and talk about issues. I live in El Encanto next to El Con Mall and there are incredibly noisy activities going on – power washing, delivery trucks idling, and more – at all hours of the night. This commitment to meet and discuss helps provide a mechanism to require that these issues get addressed.
Enforcement of the PAD	Part 3. Section O	IID may help with language to include for design review
Enforcement of the PAD	Part 3. Section O	Add in Design Review