



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

July 26, 2018

**C9-18-13 Grant Road Investment District, an Urban Overlay District
R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District (Ward 3)**

BACKGROUND

This is a request by Daniel Bursuck, on behalf of the City of Tucson, to establish the Grant Road Investment District (GRID), an Urban Overlay District. The GRID includes parcels north and south of Grant Road, extending from west of West 14th Avenue, east to North Park Avenue. The application proposes the establishment of an Urban Overlay District, an optional zoning tool, offering regulatory flexibility for those projects that meet certain requirements of this segment of the *Grant Road Community Character & Vitality Corridor Vision: Oracle Road to Swan Road* and that choose to develop under the GRID requirements.

Plan Tucson (PT), Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan (JPNP) and University Area Plan (UAP) provide policy direction for the rezoning site. The proposed rezoning is consistent with *PT, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, JPNP and UAP*.

PUBLIC HEARING SUMMARY (Minutes Attached)

July 12, 2018 Zoning Examiner Hearing

In addition to the Applicant, two persons spoke at the July 12, 2018 Public Hearing, one in favor of the GRID and one opposed. The person who spoke in favor of the GRID testified that he supported the effort to redevelop properties within the GRID area and believed that the GRID option would promote neighborhood-based development. The person opposed to the GRID also submitted written comments on the most recent draft of the GRID ordinance. The record shows that there were numerous public meetings on the GRID, beginning in 2015, and in connection with those meetings, PDSO circulated drafts of the proposed GRID ordinance, received comments on the drafts and responded to those comments. The comments presented at the July 12, 2018 Public Hearing were previously addressed by PDSO, in prior correspondence and postings on the PDSO website, and they are in the record.

Two written approvals and two protests were received as of the July 12, 2018 Public Hearing. Both protests were based on mistaken beliefs concerning the boundary of the GRID. In one case, the person filing the protest believed that a portion of his property was not included but should be; in fact the property is included in the GRID. In the other case, the person filing the protest believed that his property was within the GRID, but in fact it is not.

**C9-18-13 Grant Road Investment District, an Urban Overlay District
R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District**

FINDINGS OF FACT

Grant Road is an existing High-Capacity Transit route and a future Bus Rapid Transit route. One of the goals of the *Grant Road Community Character & Vitality Corridor Vision* is to promote transit-oriented development, including mixed-use residential and commercial areas designed to maximize access to public transportation and to have features that encourage transit ridership.

The GRID zoning option allows a property owner to choose to develop with additional uses and flexible development requirements in exchange for transit-oriented design of buildings and sites. An owner choosing the GRID zoning option cannot revert to the underlying zoning standards without applying for a modification of zoning requirements or pursuing a separate rezoning. The GRID does not preclude a property owner from pursuing a rezoning for their property.

The GRID overlays an area in which significant public investment has already been made in transit, utility and other infrastructure improvements. The area encompasses Phases 1 and 2 of the Grant Road Improvement Project, which is part of the Regional Transportation Authority plan. The Grant Road Improvement Project affected a majority of the parcels along or near the public right-of-way. In general, due to the time period when Grant Road was originally constructed and the then prevailing building setbacks, the widening of Grant Road affected nearly all parcels through lost frontage or change of access. One purpose served by the GRID is to provide flexibility for development of parcels affected by the Grant Road widening and to avoid piecemeal rezonings or variances.

The purpose of the GRID is to:

- Balance residential, commercial and industrial uses along the Grant Road corridor to meet economic revitalization and community character goals for Grant Road;
- Guide future development while protecting and improving existing neighborhoods;
- Recognize distinct neighborhoods along Grant Road from Oracle Road to First Avenue;
- Protect historic architectural styles along Grant Road and ensure development is compatible with adjacent residential areas;
- Guide new development in harmony with community-wide planning objectives;
- Recognize that office, commercial and high-density residential development are located primarily along major streets; and,
- Identify locations appropriate for new development.

Historic Preservation – The areas surrounding the GRID may be eligible to seek historic status in the future. Therefore, many of the protections for historic districts have been included in the GRID. The GRID discourages demolition of historic properties and encourages historic preservation by offering additional uses compatible with restoration of historic properties and/or incorporation of historic buildings into redevelopment proposals.

C9-18-13 Grant Road Investment District, an Urban Overlay District R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District

The Tucson-Pima County Historical Commission Plans Review Subcommittee reviews all projects that are proposing alterations or additions to an existing eligible or contributing historic structure using the GRID zoning option. Such projects must meet the Secretary of Interior's historic preservation standards and cannot cause the delisting of a property, or render a property ineligible for listing. The Plans Review Subcommittee also reviews new development that is adjacent to a structure listed or eligible to be listed in the National or Arizona Register of Historic Places, individually or as a contributing property, as well as properties designated as City Landmarks.

Project Review – The GRID establishes the GRID Design Review Board (GRID DRB), which is composed of the existing members of the City of Tucson DRB and adds the City Design Professional, and one member representing all neighborhood associations within the GRID. The GRID DRB may include one or more ad-hoc members, such as a member of the neighborhood association in which the project is located, or if there is no neighborhood association in project area, an ad-hoc member can be appointed by a neighborhood association within 300 feet of the site.

The GRID DRB reviews all projects using the GRID zoning option to ensure compliance with the GRID standards and requirements. Applicants must meet with the Design Professional prior to the full GRID DRB meeting. The Design Professional then provides a written report to the applicant, GRID DRB and the PDSO Director. Projects proposing group dwellings are approved through the Mayor and Council Special Exception Procedure.

The GRID DRB and the Design Professional's recommendations are advisory to the PDSO Director, who makes the final decision. Appeals of the PDSO Director's decision are heard by the Board of Adjustment in the case of a Minor Design Review process, and by the Mayor and Council if the Major Design Review process applies. Generally, the Major Design Review process applies to taller structures located near major intersections, single-family residential dwellings, historic or contributing structures, or within or adjacent to a Neighborhood Preservation Zone or National Historic Register District. **Draft Ordinance B-2.b.2.** Prior to the issuance of a building permit for development under the GRID zoning option, the Design Professional is required to review the development package and the building plans to ensure compliance with the approved GRID plan. Amendments or revisions to an approved GRID plan are subject to the same procedure as the original approval.

Urban Design Best Practices – To accommodate creative solutions to design and development issues, the PDSO Director may approve alternatives to the development regulations as determined by the Director to be consistent with "urban design best practices." For the purposes of the GRID, urban design best practices include: design studies approved for the City of Tucson; adopted urban design standards for a downtown area or a similar corridor redevelopment in a city of comparable size; books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects or the American Planning Association, addressing downtown or

**C9-18-13 Grant Road Investment District, an Urban Overlay District
R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District**

corridor redevelopment; or any comparable report, study or standard recommended by the City Design Professional and approved by the PDSO Director.

GRID Design Standards – The GRID establishes design standards for all projects using the GRID zoning option. Every project must demonstrate compliance with the design standards. The Streetscape Design Standards require a pedestrian-orientation, through building orientation and design, sidewalk construction and maintenance, provisions for shade, and assurances that developments will not interfere with transit or transit stops, or with pedestrian and bicycle access to the site from the right-of-way.

Development Transition Standards are established to mitigate excessive visual, noise, odor, vibration intrusion, and other similar health and safety impacts on nearby residential properties. Transition Standards address mitigation of taller structures, building bulk reduction and mitigation of service areas, such as loading zones. Mitigation of parking area impacts is also addressed.

Land uses are also regulated by the GRID. Uses are limited to those that are permitted in the underlying zone and are included in the Permitted/Allowed Land Use Types under the GRID Zoning Option table. **Draft Ordinance C-2.f. and TABLE C-2-GIIS-1.** Other than Automotive Service and Repair uses, which are prohibited, uses permitted in the underlying zone, and not listed in the Table, may be allowed, provided the PDSO Director finds the use to be compatible with the GRID Purpose Statement A-3.

The GRID provides additional standards for screening, landscaping, on-site storm water management, lighting and hardscape materials. A special provision is made for Environmentally Conscious Design Practices. Each project must include at least three (3) practices from a menu of 14 items. Such separate practices include extra shade for parking areas, pedestrian areas, or short-term bicycle parking areas, direct access connections from a transit stop, LED lighting of less than 3600 kelvin, 100% desert-adapted plant species, solar panels, green roofs, low-e glass in buildings, adaptive reuse of existing structures, innovative environmental design practices, and use of reclaimed water for landscaping. Priority is given to adaptive reuse of existing structures, which counts as two practices toward the three required.

Development Standard Modifications – The GRID provides for modification of development standards listed in Article 6 of the Unified Development Code (UDC). With some exceptions, development standards can be modified up to 25% to encourage innovative designs or to accommodate parcels impacted by the Grant Road Improvement Project. Notable exceptions to the modifications are the number of accessible parking spaces, number of parking spaces associated with alcoholic beverage or food services uses, bicycle parking requirements and Native Plant Preservation requirements. Off-street loading, solid waste collection, landscaping and screening may be modified provided no safety issues are created. Alternative pedestrian access may be provided, subject to conformance with the accessibility standards of the City's Building Code.

**C9-18-13 Grant Road Investment District, an Urban Overlay District
R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District**

Compliance with *Plan Tucson* and Area and Neighborhood Plans

Plan Tucson (PT) – The area of the proposed GRID on Grant Road from west of Oracle Road to east of Stone Avenue is identified on the *PT* Future Growth Scenario Map as a Mixed-Use Center. Mixed-Use Centers combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycles, and walking will be given priority in these areas, though cars will still play an important role. The area of the proposed GRID in the vicinity of the Grant Road and 1st Avenue intersection is classified as a Mixed-Use Corridor on the *PT* Future Growth Scenario Map. Mixed-Use Corridors provide a higher-intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities.

Other areas within the GRID are identified in *PT* as Existing Neighborhoods. Policy supports 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. *PT* policy supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions, and adhere to relevant site and architectural design guidelines. *PT* policy protects established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Unit 6 Neighborhood Plan – The primary objective of the *Unit 6 Neighborhood Plan* is to stabilize the balance of residential, commercial, and industrial uses and remove some of the circulation conflicts experienced by area residents. Plan policy states that any zoning change should allow maximum adjacent resident participation and safeguards to ensure a project remains compatible with neighboring residential development.

Cragin-Keeling Area Plan – The *Cragin-Keeling Area Plan* is intended to guide future development while protecting and improving existing neighborhoods, and encourage office and commercial development at appropriate locations within the Plan area. Land uses along the street frontages of Stone Avenue and First Avenue in the area of the proposed GRID are predominantly office and commercial.

Jefferson Park Neighborhood Plan (JPNP) – The *JPNP* identifies the southeast corner of Euclid and Grant as a commercial destination. The *JPNP* calls for edge treatment within the existing right-of-way along Euclid and Grant that better protects properties from the impact of traffic and to ensure commercial uses do not displace existing residential uses.

University Area Plan (UAP) – The *UAP* supports new development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents. Development should demonstrate sensitivity to surrounding uses in the design, location, orientation, landscaping, screening, and transportation planning of new development, as outlined in the General Design Guidelines. The *UAP* identifies the Grant

**C9-18-13 Grant Road Investment District, an Urban Overlay District
R-2, R-3, C-1, C-2, C-3, I-1 to Urban Overlay District**

Road corridor, from Stone Avenue to 4th Avenue, as Industrial Area 1, and the appropriateness of office/commercial uses. Policies also support the consideration of the conversion of residential uses on arterial streets to commercial uses under the guidance of the General Design Guidelines and through the analysis of the characteristics outlined in Office/Commercial Development Policy 3, in conformance with the following criteria: adjacent uses and zoning are commercial; sufficient lot depth exists to provide adequate buffering, landscaping, and on-site circulation and parking in compliance with City of Tucson standards; and vehicular access is provided to an arterial or collector street and vehicular traffic is directed away from the interior of residential areas.

The proposed GRID is supported by the policies and goals of *Plan Tucson, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan*, and the *University Area Plan*. No plan amendments are required.

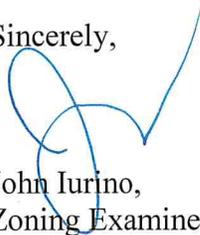
CONCLUSION

The GRID offers regulatory flexibility for projects that meet certain requirements of this segment of the *Grant Road Community Character & Vitality Corridor Vision: Oracle Road to Swan Road*. The proposal is in compliance with and supported by *Plan Tucson, Unit 6 Neighborhood Plan, Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan* and the *University Area Plan*. Approval of the Grant Road Investment District Urban Overlay District is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the Grant Road Investment District, an Urban Overlay District.

Sincerely,

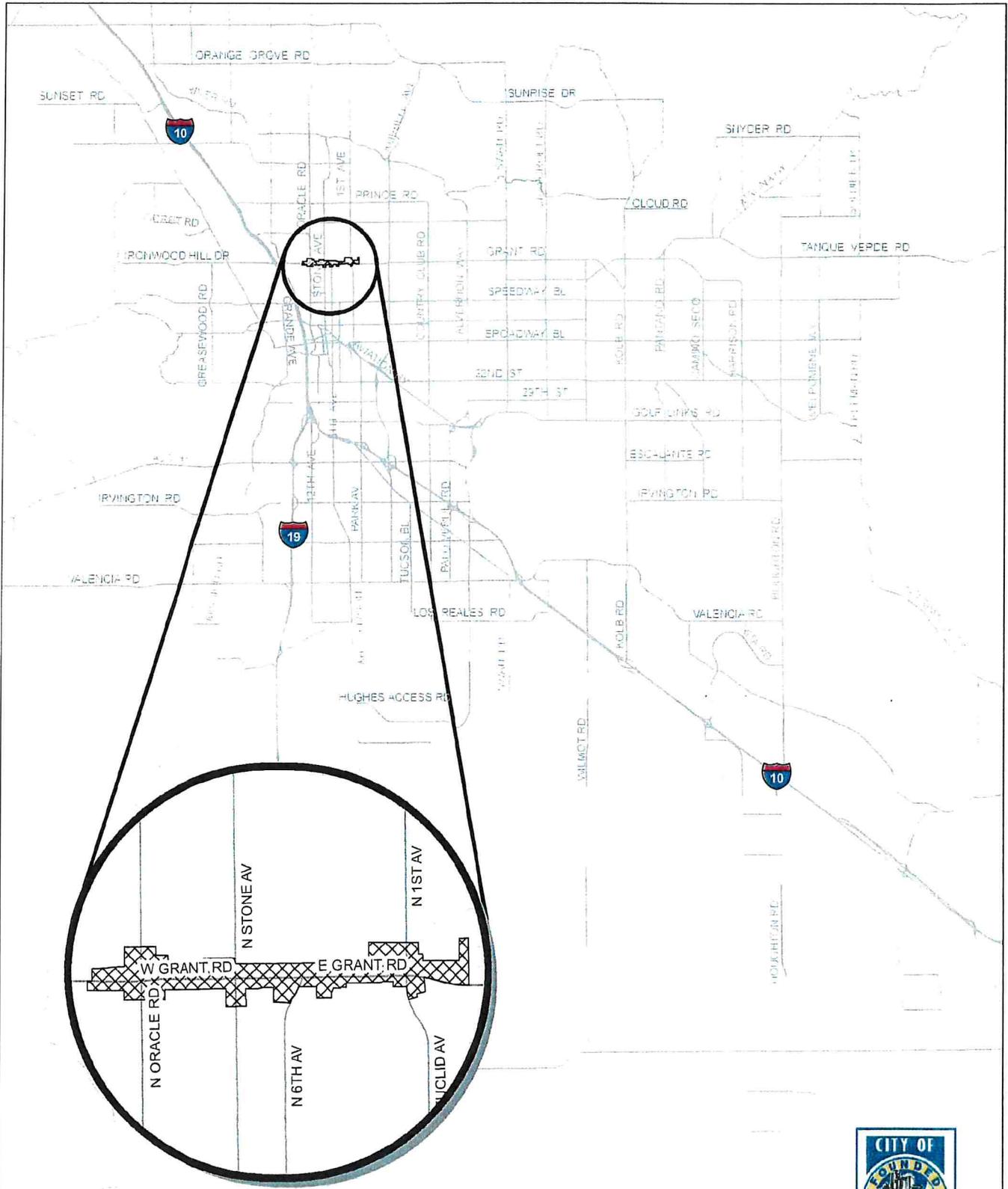


John Iurino,
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Memo to Mr. Bursuck
Response from Mr. Bursuck
Public Hearing Minutes

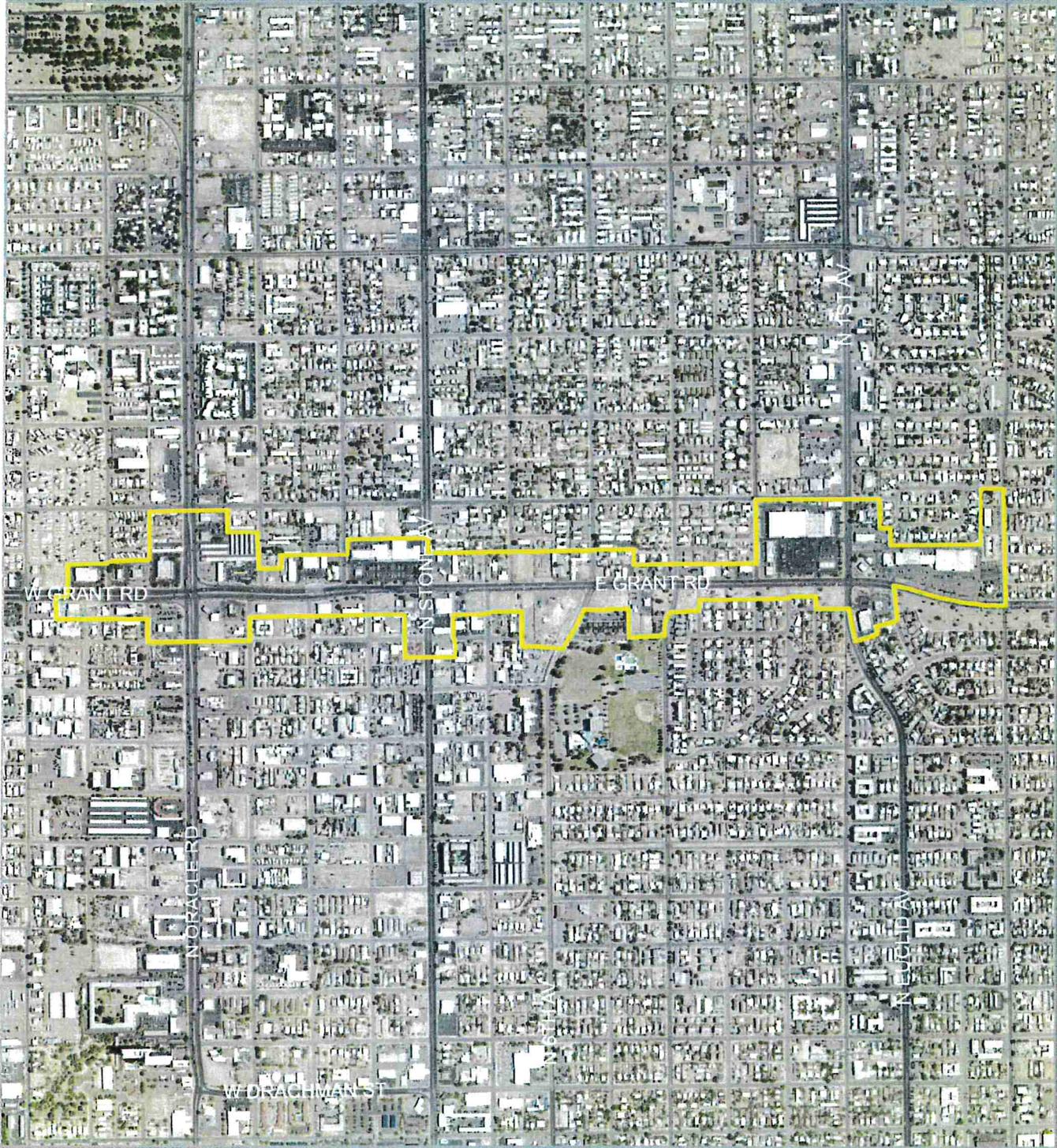
**C9-18-13 Grant Road Investment District
Rezoning Request: Urban Overlay District**



Grant Rd. between 15th Ave. and Park Ave.

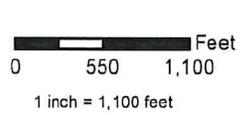


C9-18-13 Grant Road Investment District
Rezoning Request: Urban Overlay District



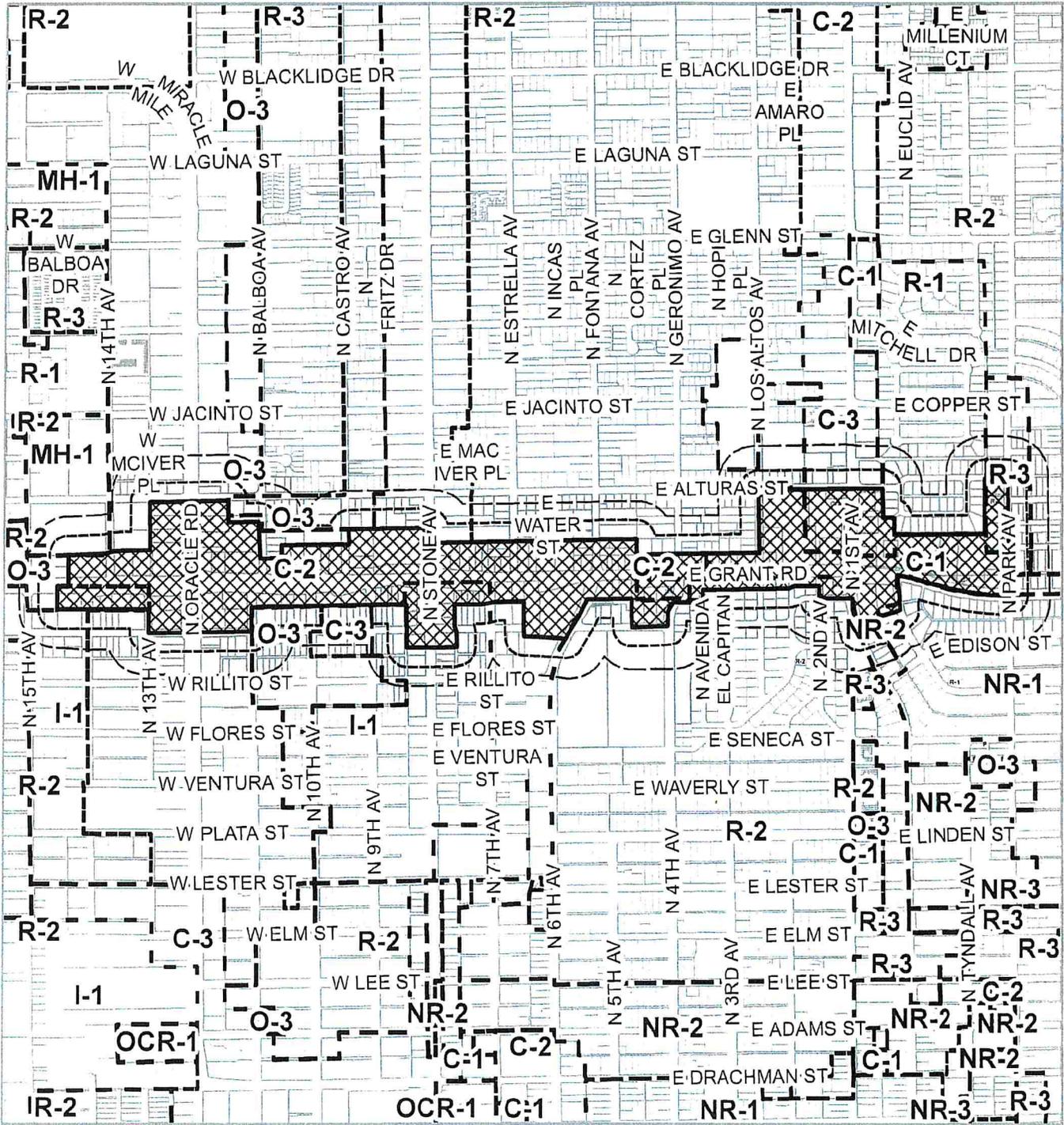
 Area of Optional Zoning Overlay

Address: Grant Rd. between 15th Ave. and Park Ave.
Ward: 3

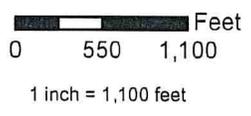


C9-18-13 Optional Grant Road Investment District

Rezoning Request: Urban Overlay District



- Zoning Area
- Protest Area (150-foot Radius)
- Notification Area (300-foot Radius)
- Zone Boundaries
- Properties Notified





MEMORANDUM

DATE: July 16, 2018

TO: Scott Clark, Interim Director
Planning & Development Services

FROM: John Iurino
Zoning Examiner

Daniel Bursuck, Lead Planner
Planning & Development Services

SUBJECT: C9-18-13 Grant Road Investment District, July 12, 2018 Zoning Examiner Hearing

Pursuant to UDC 2.2.4.D.1, the Zoning Examiner requests the following additional information, and clarification of information, presented at the July 12, 2018 public hearing:

1. The information presented at the public hearing indicated that one reason in support of adopting the Grant Road Investment District Overlay Zone is to afford relief to parcels that were impacted by the Grant Road widening project, which left some parcels too small, or with irregular shapes, to develop or redevelop under existing zoning. How many parcels were affected in this manner and how many other parcels are included in the proposed Grant Road Investment District overlay zone that were not affected in this manner?

2. For properties that choose to following the GRID option, but that do not require a rezoning, the proposed overlay zone provides for a plan review procedure under which the PDSO Director makes final decisions, subject to review by the Board of Adjustment (if the Minor Review Process applies) or the Mayor and Council (if the Major Review Process applies). Proposed GRID Ordinance B-2.b.1- B-2.b.15. If a property does not opt into the GRID process, what review and approval procedures are followed and how do they differ from the procedures set forth in the proposed GRID?

3. Under UDC 5.13.2, "[a]n Urban Overlay District is initiated by the Mayor and Council." Under UDC 3.5.3.D.2, "[a] rezoning may be initiated by the property owner or the owner's agent upon submittal of a written application to amend the zoning on the property. A rezoning may also be initiated by a majority vote of the Mayor and Council." Are these provisions applicable in this case, and if so, have they been followed?

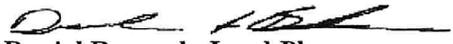
The Zoning Examiner's Preliminary Report is due on July 19, 2018 and a prompt response would be greatly appreciated. This request and any response will be included as part of the record as provided by UDC 2.2.4.D.



MEMORANDUM

DATE: July 17, 2018

TO: John Iurino
Zoning Examiner

FROM: 
Daniel Bursuck, Lead Planner
Planning and Development Services

SUBJECT: Response to Follow-up Questions from Zoning Examiner Regarding C9-18-13 Grant Road Investment District Urban Overlay District

Following are PDS staff responses to the follow-up questions submitted by the Zoning Examiner on July 16, 2018 regarding the July 12, 2018 Public Hearing on C9-18-13 Grant Road Investment District (GRID) Urban Overlay District (UOD).

1. During Phases 1 and 2 of the Grant Road widening project, a majority of the parcels along or near the public right-of-way were affected to varying degrees. There are typically three levels of property acquisition that occur during a roadway construction project such as Grant Road: (1) full property acquisition and full demolition of the existing structure, (2) full property acquisition with partial demolition of the existing structure, and (3) partial property acquisition with no demolition. In general, due to the time period when Grant Road was originally constructed and the then prevailing building setbacks, the widening of Grant Road has affected nearly all parcels to some extent through lost frontage or change of access. An exception to that would be affected parcels that do not front Grant Road or one of the major roads with which Grant Road intersects. Of the 157 parcels included in the GRID UOD, 21 did not have frontage along Grant Road. However, many of those 21 had the same ownership as parcels fronting Grant Road and, therefore, were also affected.

While staff did initial assessments of properties that could benefit from the flexibility provided by a UOD, we won't fully know how the UOD may be utilized to address impacts of the Grant Road widening until development packages are submitted with specific proposals. Ultimately, the goal of the GRID UOD is to provide an option to piecemeal rezonings or variances for successful development of parcels affected by the Grant Road widening.

2. Property owners who do not opt into the GRID process may develop their property utilizing the underlying zoning. This would require the normal development package review per Section 2 of the PDS Administrative Manual, but would not be subject to the design review and or the PDS director approval that the GRID process requires.
3. Yes, both the UDC Sections 5.13.2 and 3.5.3.D.2 have been followed in the initiation of the GRID UOD. On May 5, 2015, the City of Tucson Mayor and Council initiated the UOD process when they voted 7-0 to approve a two step-approach to move land use planning forward for the Grant Road Corridor. This approach included: (1) adopting a Corridor Vision based on input from

the Task Force and the public, and (2) achieving the Corridor Vision through development and implementation of land use planning tools, including an urban overlay district phased with the roadway design.

Thank you and please let us know if you have any additional follow-up questions regarding this case.

ZONING MEMBERS PRESENT

John Iurino, Zoning Examiner
Michael Wyneken, Planning & Development Services
Sarah Cheatham/Ana Juarez, City Recording Clerk

=====

1 ZONING EXAMINER: I will now call the next case. Case: C9-
2 18-13 Grant Road Investment District, an Urban Overlay District. Mr.
3 Wyneken, would you like to present it?

4 MR. WYNEKEN: This is a request by Daniel Bursuck on behalf
5 of the City of Tucson to establish the Grant Road Investment District,
6 an Urban Overlay District, commonly called a UOD. UOD includes
7 parcels north and south of Grant Road extending from west of West 14th
8 Avenue east to North Park Avenue.

9 The application proposes the establishment of an Urban
10 Overlay District, an optional zoning tool, offering regulatory
11 flexibility for those projects that meet certain requirements of this
12 segment of the Grant Road Community Character and Vitality Corridor
13 Vision, Oracle Road to Swan Road. The rest of this report will refer
14 to the UOD by its name, the Grant Road Investment District, or GRID
15 for short.

16 Any UOD is initiated by the Mayor and Council, and the
17 Planning & Development Services Department processes the application
18 in accordance with the Unified Development Code, Section 3.5,
19 rezoning, change of zoning procedure.

20 The GRID Overlay District creates an optional zoning
21 district for the properties within the boundary. The current zoning
22 on any given parcel within the GRID will not change. Property owners

1 can continue to use, further develop or redevelop their properties
2 under the rules of the existing zoning.

3 Should an owner decide to develop using the provisions of
4 the GRID Overlay, the owner must initiate that selection with the City
5 and only then will the zoning change to the appropriate U-2 designated
6 zoning on the zoning map.

7 It should be noted also that once the selection is made and
8 the zone is changed to the UOD, the zoning cannot revert back to the
9 original zoning without completing the rezoning process.

10 The UDC requires all rezonings to conform to the General
11 Plan, Plan Tucson and applicable land use plans. Policy direction in
12 this case is provided by Plan Tucson, Unit 6 Neighborhood Plan,
13 Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan and the
14 University Area Plan.

15 Plan Tucson has several different designations for the area
16 within the GRID. The area from west of Oracle Road to east of Stone
17 Avenue is identified on the Growth Scenario Map as a mixed-use center.

18 Mixed-use centers combine a variety of housing options,
19 retail services, office and public gathering spaces located close to
20 each other, providing occupants of the center and the residents and
21 working - workers in the surrounding neighborhoods with local access
22 to goods and services.

23 The area of the proposed GRID in the vicinity of Grant Road
24 and First Avenue intersection is classified as a mixed-use corridor
25 where one would find a higher-intensity mix of jobs, services and

1 housing along the major streets and high-frequency transit options.
2 Other areas within the GRID are identified in Plan Tucson as existing
3 neighborhoods.

4 Policies support environmentally sensitive design that
5 protects the integrity of existing neighborhoods and complements
6 adjacent land uses, enhances the overall function and visual quality
7 of the street, adjacent properties and the community.

8 Plan Tucson policy protects established neighborhoods by
9 supporting compatible development which may include other residential,
10 mixed-use infill and appropriate non-residential uses. Unit 6
11 Neighborhood Plan, the primary objective is to stabilize the balance
12 of residential, commercial and industrial uses, remove some of the
13 circulation conflicts experienced by area residents.

14 The Cragin-Keeling Area Plan is intended to guide future
15 development while protecting improving existing neighborhoods and
16 encouraging office and commercial development at the appropriate
17 locations.

18 Jefferson Park Neighborhood Plan identifies the southeast
19 corner of Euclid and Grant as a commercial destination, and the
20 Jefferson Park Neighborhood Plan calls for edge treatment within the
21 existing right-of-way along Euclid, Euclid and Grant that better
22 protects properties from the impact of traffic, and to ensure
23 commercial uses, do not displace existing residential uses.

24 University Area Plan supports new development on the
25 perimeter of residential areas which serves to protect and enhance the

1 quality of life for neighborhood residents. Development should
2 demonstrate sensitivity to surrounding uses in the design, location,
3 orientation, landscaping, screening and transportation planning of new
4 development as outlined in the design guidelines.

5 Policies also support consideration of the conversion of
6 residential uses on arterial streets to commercial uses under the
7 guidance of the general design guidelines.

8 The proposed GRID is generally supported by the policies
9 and goals of Plan Tucson, Unit 6 Neighborhood Plan, Cragin-Keeling
10 Area Plan, Jefferson Park Neighborhood Plan and the University Area
11 Plan. No plan amendments are required.

12 ZONING EXAMINER: Pages are all stuck together with the
13 humidity.

14 MR. WYNEKEN: In conclusion, the GRID offers regulatory
15 flexibility for those projects that meet certain requirements on this
16 segment of the Grant Road Community Character and Vitality Corridor
17 Vision which runs from Grant (sic) Road to Swan Road.

18 In return for that flexibility, projects must demonstrate
19 compliance with GRID design guidelines and development transition
20 standard, incorporate environmentally-conscious design practices.
21 GRID flexibility also provides for applying urban design best
22 practices and alternative compliance options as approved by the PDSD
23 Director.

24 As proposed, the GRID is in compliance and supported by
25 the, the plans mentioned above, Plan Tucson, Unit 6 Neighborhood Plan,

1 Cragin-Keeling Area Plan, Jefferson Park Neighborhood Plan and the
2 University Area Plan, and approval of the Grant Road Investment
3 District, Urban Overlay District is appropriate.

4 To date we have two protests on file and those protests
5 constitute less than .1% of protest by lots and less than .1% protest
6 by area. And we have two approvals on file. The level of protest is
7 such that a simple majority vote of the Mayor and Council would be
8 required to adopt a rezoning ordinance. That concludes the report.

9 ZONING EXAMINER: Thank you, Mr. Wyneken. Would anyone
10 like to speak on behalf of the Applicant?

11 MR. BURSUCK: Thank you. Dan Bursuck, Planning &
12 Development Services. I'm a planner. I've been working on this
13 project for a while now. So, I just want to go over a brief kind of
14 overview of how we've gotten to this point, some of the public input,
15 where this is located and then talk a little bit about those couple of
16 protests that we did receive.

17 Okay. So, why a UOD? So, essentially this is a response
18 to the Grant Road redevelopment that's occurred. The widening of the
19 road has created a need to come in and create something that's
20 flexible that allows for some redevelopment along here.

21 So, currently there's several properties along Grant Road
22 that are vacant and ready for development. Many of those are owned by
23 the City. Additionally, that widening has created parcels that are
24 shallow and oddly shaped. So, they're not easily redeveloped under
25 the traditional code.

1 In fact, I was talking to one of the property owners who
2 had received notice, had a, had a sign put up near their property and
3 he was expressing to me that, you know, one of the parcels that he has
4 there is actually only about 83 feet deep. So, it'd be very difficult
5 to redevelop that property that he has after the road had gone in
6 without some sort of additional tool to allow for that. So,
7 essentially, the UOD provides this flexible code that is tailored to
8 aid in the redevelopment along Grant Road.

9 So, the building blocks of the Grant Road Urban Overlay
10 District - so, what have we kind of incorporated into this as we've
11 been developing it. So, one of the, one of the things that we have
12 incorporated is public feedback.

13 So, we've had task force meetings, we've had workshops,
14 we've had stakeholder interviews. We've gone out and spoken with the
15 neighborhood associations in the area, gone to their meetings and
16 we've conversed with anybody who has been - inquired with us related
17 to this.

18 Additionally, there was an effort prior to this which is
19 the upper right corner of this Grant Road District Zoning Ordinance.
20 So, there was a draft ordinance that was originally created back 2012
21 through about 2013. We've incorporated some of the ideas from that,
22 that was also rolled into the Grant Road Community Character Vitality
23 Corridor Vision, Oracle Road to Swan Road.

1 And then that created the vision for this area, and the
2 basis for what we had created this overlay. The goals of this are to
3 achieve the vision put forth in that Grant Road document.

4 The bottom right is an image of the Downtown Infill
5 Incentive District. So, we have used a lot of the principals from the
6 Downtown Infill Incentive District and the lessons learned from that
7 as well as the Main Gate District Urban Overlay.

8 So, what is in this document? Essentially, as Mr. Wyneken
9 had said, it offers optional zoning for property owners. It's key to
10 know that the existing zoning remains in place. Several property
11 owners have contacted us and were concerned that we were rezoning
12 their property.

13 This is only an optional zone. You can continue to operate
14 with whatever underlying zoning is there for as long as you want. But
15 if you were to utilize this Grant Road Investment District Overlay,
16 you would have to adhere to the standards within that document.

17 MALE SPEAKER: (Inaudible)

18 MR. BURSUCK: Yes, of course.

19 MALE SPEAKER: (Inaudible)

20 MR. BURSUCK: That is correct, yes. It allows for zoning
21 relief in exchange for a better design. So, it has to meet the design
22 criteria in order to get the zoning relief. It is meant to encourage
23 comprehensive plan pedestrian and transit-oriented urban infill and to
24 allow for mixed-use areas.

1 Essentially, this provides flexible zoning solutions to
2 deal with issues such as parking, setbacks, landscaping, building
3 height in some cases while also providing development transitional
4 standards to help impact - mitigate that impact that provides the
5 flexibility.

6 So, where is this located? As we had stated earlier, it
7 starts off - it's really just Phases I and II of the Grant Road
8 redevelopment corridor. So, it runs from just west of 14th, so, west
9 of Oracle, to a little bit past First. So, it's on the north side to
10 Park, Park Avenue essentially.

11 And it's really only that strip that's been affected by the
12 widening. At the major intersections, it goes back a little more to
13 provide for more intense development. But all of the, the kind of
14 districts in between have less intensity.

15 So, you'll see on this map there are centers and districts.
16 This was a concept that was created in the vision. And to achieve the
17 vision, there are different heights per district. So, you'll see
18 greater height, greater building heights at the centers and then less
19 building height at those districts throughout.

20 So, a quick overview of some of the public involvement.
21 So, we've been working on this since about fall 2015. In that time,
22 we've held seven Grant Road Citizen Task Force meetings where we've
23 presented this, taken their feedback, incorporated into the document.

24 We held four stakeholder interview meetings with
25 developers, neighborhood representatives, designers, infill incentive

1 district study groups. So, when the Infill Incentive District was
2 revised back in 2015, they put together a study group to help figure
3 out how to fix some of the issues that they were having with that.
4 They were included in those groups.

5 We had two public workshops on land use tools. These are
6 some pictures from those. We got big maps and images. We sat around
7 and, and wrote down kind of what we'd like to see along Grant Road,
8 where it could go and look at constraints that might be out there.

9 We have held two public reviews with UOD documents, as well
10 as this, this time when we've reviewing it now. We've had - and then
11 additionally, several individual meetings with local stakeholders,
12 residents, businesses. We've gone to neighborhood associations as
13 well.

14 And then we held the required neighborhood meeting, which
15 is the one for the rezoning. We held that twice to allow for more
16 people to be able to show up and come for that. So, that was the, the
17 statutorily required all property owners within 300 feet, all of the
18 neighborhood associations within a mile.

19 So, just to talk a little bit about those two protest
20 letters that we have received. City of Tucson Rezoning Staff received
21 two protest letters related to the overlay zone. The first letter
22 that was, that was received was concerned with the boundary of the
23 overlay at Stone and Grant.

24 The property owner owns the Giant that's at the southwest
25 corner of Stone and Grant. They wanted to be included in the overlay.

1 They gave suggestions on changing the boundary and whatnot. I think
2 the map that was actually mailed was kind of difficult to read, it was
3 a little small.

4 When we went back and looked at that, their entire property
5 is actually included in the post boundary and it does follow that,
6 that alley that he discussed in his letter.

7 The second letter stated that they did not wish to change
8 their property zone. They talked about how they were a long-term
9 resident. Their home was historic, it was built in 1945. We went and
10 looked at their property.

11 Their property is about three parcels away from where the
12 overlay boundary will be. So, it will not be within the boundary and
13 it will not have the overlay placed on it, even though if it were,
14 they would still be able to operate under their existing zoning.

15 So, kind of with that, I will answer any questions you
16 have, or we could, you know, do whatever you'd like.

17 MALE SPEAKER: (Inaudible)

18 MR. BURSUCK: Most definitely. I should have (inaudible)

19 ZONING EXAMINER: Anyone else like to (inaudible) Yes,
20 sir, please come forward. Please state your name and address first.

21 MR. MAHER: Certainly. Joseph Maher, Jr. I'm a local
22 architect. My address is 4849 East Scarlett Street. U of A grad,
23 Arizona native. Family's been here a hundred years in Arizona.

24 I was on the, I was a member of the original Grant Road
25 Citizens Advisory Committee and Jim Glock, the previous T-DOT Director

1 asked me to be on that. And I told him I'd be on the committee if, in
2 fact, it got built, and more importantly as a designer, that the
3 design was a real important aspect. And on this particular Citizens
4 Committee and the Grant Road Project, design is what it's all about.

5 We went to great lengths, had a great architect in charge,
6 Staff members that put things together (inaudible) We had all kinds
7 of information provided as well as inviting the public to, to
8 participate and that vision for the street in my mind is very much
9 important.

10 And I'm pretty sure I'm probably one of the first people to
11 suggest that some sort of overlay would help protect all these design
12 ideas that they worked hard, very aware, very active committee that I
13 wasn't the only one pushing for a great design and, and ideas for
14 this, for this street.

15 And so, I think it's incredibly important that this overlay
16 provides some options since these properties now are a little strange
17 in shapes. Always makes it more difficult for us architects to, to
18 follow the strictness of a code.

19 And, you know, I, I grew up in a family grocery store. We
20 had a half a dozen of them in the family and we were located in, in
21 and next to - in the middle of and next to neighborhoods where our
22 customers could walk to us. And I'd, I'd like to think that that's
23 what this might present for some of the businesses along this strip.

24 And so, I urge emphatically that, that this overlay go
25 through and give these property owners a different option in terms of

1 utilizing the, the code and, and continue the design concepts that a
2 committee worked extremely hard and Staff worked extremely hard to put
3 into effect. Thank you.

4 ZONING EXAMINER: Thank you very much. Would anyone else
5 in the audience like to speak in favor of the matter? Would anyone in
6 the audience like to speak in opposition to the matter?

7 MR. PIPITAN: (Inaudible)

8 ZONING EXAMINER: May I ask you to state your name for us.

9 (TRANSCRIBER'S NOTE: MR. PIPITAN SPEAKS WITH A VERY HEAVY
10 ACCENT AND ALSO SPEAKS VERY QUIETLY, SO, IT IS NOT POSSIBLE TO DO AN
11 ACCURATE WORD-FOR-WORD TRANSCRIPTION OF HIS TESTIMONY.)

12 MR. PIPITAN: (Inaudible)

13 ZONING EXAMINER: Thank you.

14 MR. PIPITAN: I'm Consuelo Pipitan and I live in 2510 North
15 Tyndall Avenue. I couldn't see the name of the street right here
16 because it's (inaudible) next to Grant (inaudible)

17 ZONING EXAMINER: Understand.

18 MR. PIPITAN: (Inaudible)

19 ZONING EXAMINER: May I ask Mr. Bursuck to address that now
20 instead of asking you to sit down and having him come back up later,
21 he may come back up later? Can you answer the -

22 MR. PIPITAN: (Inaudible)

23 MR. BURSUCK: I was just - and what is your question?

24 MR. PIPITAN: I don't know exactly where my (inaudible)

1 MR. BURSUCK: The parcel, it'll go just to Park Avenue. It
2 will not go beyond Park.

3 MR. PIPITAN: (Inaudible)

4 ZONING EXAMINER: Thank you very - thank you very much.
5 Thank you, Mr. Bursuck. Would anyone else in the audience like to
6 speak?

7 MS. ALTAFFER: Good evening. I'm Colette Altaffer and I
8 live at 35 Sierra Vista Drive.

9 I'd like to address the issue of the Future Growth Scenario
10 Map. It wasn't mentioned in this presentation, but it is spoken of
11 very heavily in Staff report.

12 This has been a real issue of contention with the community
13 because we spent a considerable amount of time with Staff attending
14 numerous meetings prior to the adoption of this Plan Tucson. And on
15 the very last day of the very last meeting, this map was presented.
16 And there was a great human cry from the audience because they had
17 never had an opportunity to consider this map, let alone review it,
18 discuss it, give input.

19 And so, an agreement was made that a disclaimer would be
20 placed on that map. And that disclaimer would indicate that that map
21 was not to be used in any of these rezoning cases. And yet it is
22 repeatedly cited by Staff as if it had been approved, and as if the
23 community was okay with it. And I'd like to have that at least
24 clarified.

1 As to the GRID itself, while I don't live in the area that
2 is currently being considered for this overlay zone, my neighborhood
3 does border Grant Road. I have spent years following this process,
4 including the many iterations of the overlay.

5 I have come to realize that overlays, such as this one, are
6 mechanisms that create a two-class society. On one hand, there is the
7 small group of citizens and corporations who get to use the GRID to
8 maximize the use of their property while complying with few
9 regulations. And then there is everyone else. We get to live with
10 the consequences of this type of unfettered development.

11 One of the most egregious areas where this occurs in this
12 overlay is with alcoholic beverage service. If a city wants to
13 minimize the negative effects of this type of activity, it can only do
14 that with its zoning code.

15 Title 19 of the Arizona Administrative Code which guides
16 the State Liquor License Board does not concern itself with noise or
17 excessive traffic or loud music. This is viewed as the responsibility
18 of a local community.

19 The GRID ignores this fact and removes the protective
20 regulations that are found in our City's Zoning Code. In fact, not
21 only does it remove all protective regulations on all permitted uses,
22 but it includes multiple instances when the GRID regulations can be
23 waived. It makes a mockery of this public process.

24 We can stand here today expecting to see one set of
25 regulations and find that they have subsequently been modified behind

1 closed doors with no public input. And speaking of public input, in
2 2017, I was invited to comment on a draft of the GRID. In 2018, I was
3 again invited to comment on the latest draft. And I started having a
4 sense of déjà vu.

5 So, I pulled out my comments from 2017 and discovered that
6 many of them were the same as the previous ones. Sadly, after reading
7 this current copy of the GRID, I'm still having a case of déjà vu. I
8 will leave you a copy of my comments for your information.

9 There are many of us in this community who have found the
10 recent selection of Zoning Examiners to be less than exemplary. We
11 attended your interview process and were heartened to hear you speak
12 as someone who would respect the quasi-judicial nature of this
13 position and not simply be the puppet and mouthpiece of City Staff.

14 We are relying on your sense of fairness and impartiality
15 to craft a balanced, fair and well-reasoned recommendation to the
16 Mayor and Council. Thank you.

17 ZONING EXAMINER: Thank you. Would anyone else in the
18 audience like to speak? Would the Applicant like to speak again?

19 MR. BURSUCK: (Inaudible)

20 ZONING EXAMINER: Thank you.

21 MR. BURSUCK: So, so, just related to the small bus- --
22 the, the - that it's only gonna benefit corporations and a select few
23 people. This has worked pretty well in other areas for small
24 businesses, redevelopment of small businesses and expansion of small
25 business. So, I, I, I wouldn't agree necessarily that that would be

1 the case of this. I think it could help with a lot of the existing
2 property owners and existing businesses that are currently out there.

3 Regarding alcoholic beverage service. Uses within the
4 overlay are only - you can only utilize the uses that are currently
5 allowed within the underlying zoning. So, there are no areas within
6 there where we're expanding the use of alcoholic beverage service
7 throughout.

8 As far as, as far as, you know, reducing the buffers and
9 some of those regulations by pulling buildings away from the actual -
10 from, from those back lot lines, it actually separates those uses more
11 and there are -(inaudible) reduction and there's separate provisions
12 within the document that help to mitigate those, those issues. As
13 well, you can put conditions on there through the design review
14 process when, when you design and you, you build. By rights, you
15 aren't able to do that.

16 So, I believe that there are provisions in here that help
17 to mitigate it beyond what our existing code would currently allow.
18 So, at that, that's - oh. Related to public input. We do have
19 responses to all of the comments that we did receive with that last -
20 with the last round that do address many of Colette's questions. So,
21 I'll leave that for you as well. And that was a part of your
22 materials.

23 ZONING EXAMINER: It's in the record (inaudible)

24 MR. BURSUCK: Thank you.

1 ZONING EXAMINER: Thank you. Anyone else? Hearing no
2 other people want to speak, I will close the public hearing. And that
3 concludes the proceedings tonight. Thank you all for attending.

4 (Case: C9-18-13 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 07/20/18


KATHLEEN R. KRASSOW - Owner
M&M Typing Service