

## TRRG Planning and Development Service Committee

### Position Paper on Concurrent Plan Amendment/Rezoning Process Proposal Based on Information provided to Mayor/Council on April 23, 2019 Spring 2019

Tucson Residents for Response Government: Planning and Development Service Committee (TRRG-PDS) supports the Mayor/Council request, made mid-2018, to initiate a concurrent approval process for a proposed development that requires both an area/neighborhood plan amendment and a rezoning. TRRG-PDS views this as an opportunity for all stakeholders to work together to improve both the current processes and the resultant projects. However, various aspects of the City's proposed concurrent process must be addressed prior to its implementation.

#### Rationale for Concurrent Process

1. The public does not understand COT's current 2-step process. When a project is controversial, the public sees the Planning Commission (PC) hearing as the venue to present their position on the entire proposal. Supporters and opponents alike do not understand the need to craft their arguments to address the specific plan detail which is proposed for amendment. The time which often transpires between the public hearings for the plan amendment and the final rezoning is often years. Public interest wanes and citizens are left believing that it all was settled long ago.
2. Mayor/Council (M/C) approval of the plan amendment is a precursor for M/C approval of the rezoning request. To expect M/C to NOT approve the rezoning at the later time is unrealistic. Unfortunately, that amendment decision is made on limited knowledge of the final project.
3. PC wants to know project details before making its recommendation for a plan amendment. In lieu of details, commissioners have been told they are to evaluate the "concept." Exactly what "concept" means is uncertain, and commissioners recently have requested many more specifics in order to understand their cases. The concurrent process would allow the PC to have details of the project when making decisions about a plan amendment.

#### Three Areas of Concern:

1. As drafted in proposed text, "the applicant may elect to proceed with concurrent applications for a plan amendment and rezoning." **TRRG-PDS requests that the Neighborhood(s) most impacted by the proposed development must agree to the utilization of the option.**
2. As sequenced in Option 1, "Neighborhood Meeting: Applicant holds neighborhood meeting in which both PA and RZ are presented." This would replace the current UDC requirement of 2 neighborhood meetings. **TRRG-PDS requests that the following procedures define "neighborhood meeting":**

**Neighborhood Meeting Requirements for a Concurrent Process**

Three parties should have defined, collaborative roles: i) developer making the application; ii) City processing the application; and iii) surrounding area residents/property owners assessing the impact of the new construction and use. Applicant and citizens should be confident that the City staff balances both of their interests. *All three parties should sign off on any meeting summaries submitted to COT.*

Implementing the neighborhood meeting requirements as early as possible in the conceptualization of a proposed project would be time-/money-saving for the applicant while trust-building for neighbors.

*First meeting* - Developer introduces the public to the proposed project. PDS representative monitors and clarifies COT procedures. Public listens and gathers information.

*Second meeting* - Public has the opportunity to ask questions of developer and PDS representative and to express opinions about the project.

*Third meeting* - PDS representative facilitates the development of a mutually acceptable project that will have support when the project comes to public hearing.

*Subsequent communications as needed* - PDS representative monitors the progression of the project and seeks input from the public for elements not addressed previously.

3. As described in Option 1, "Mayor and Council: Mayor and Council will make two sequential motions: 1. Plan Amendment Approval/Denial; 2. Rezoning Approval/Denial. If PA is denied, RZ request will not be heard." **TRRG-PDS requests that a separate public hearing for the plan amendment be scheduled and the request for a separate public hearing for the rezoning can still be made and will be honored.** It is critically important that Mayor and Council receive separate reports regarding any protests for the Plan Amendment and the Rezoning, also that Mayor and Council vote separately on the Plan Amendment and the Rezoning. Since the Arizona State Legislature has redefined both the protest zone and the supermajority for any vote on a Rezoning, it is very difficult for adjacent property owners to protest a project in a meaningful way. The Plan Amendment is now the one realistic opportunity that community members have to influence a project or perhaps even stop a project. The Plan Amendment and Rezoning must not be combined in a way that deprives community members of their only meaningful input into development.

**Daniel Bursuck - [EXTERNAL]My thoughts about running a concurrent plan amendment/rezoning process**

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**From:** "Poulos, Bonnie T - (poulosbt)" <poulosbt@email.arizona.edu>  
**To:** Daniel Bursuck <Daniel.Bursuck@tucsonaz.gov>  
**Date:** 06/28/2019 4:59 AM  
**Subject:** [EXTERNAL]My thoughts about running a concurrent plan amendment/rezoning process

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Daniel,

Since I am out of town for the next stakeholders meeting, I would like to interject some concerns that have come to mind during the public discussions and a long discussion I had with Roger who helped write these plans. Something he pointed out that sticks in my mind: the plans were accepted as agreements between the City Council and the neighborhoods. By allowing a concurrent process, the developer now steps in the takes over the role of the City in making conditions to include in the plans. Is that appropriate? Is the City council abrogating their responsibility for a policy document that they approved?

- To be clear, in the County a “concurrent” process involves an amendment to the Comprehensive plan (there are no neighborhood plans in the county) when needed for a rezoning to take place. It almost always revolves around the allowed use, not some condition of the plan like height or open space. That is pretty different from what we are proposing for the city.
- Do we start putting zoning conditions into neighborhood plans? Is that a good idea when plans are advisory and not regulatory as the City attorney is now emphasizing.
- Is there a better way to look at proposed changes to neighborhood plan that does not depend on a specific land use proposal?
- Can we give plan amendments a sunset date such that if they are not built out within 5 yrs they go away?
- Can amendments be tied to specific proposals? (Should they be?)
- Does a concurrent process really save the developer any time? How much time?
- Is the neighborhood/area plan a pact between the elected officials and neighborhoods? How does a developer negotiating with neighborhoods impact that pact?

Thanks for considering some of my concerns.

Bonnie

**Daniel Bursuck - [EXTERNAL]Recommendations-- Invitation to Attend a Public Meeting on a UDC Text Amendment to allow for a Plan Amendment and a Rezoning to run concurrently**

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**From:** <jmaherjraia@aol.com>  
**To:** <Daniel.Bursuck@tucsonaz.gov>, <JMAHERJRAIA@aol.com>  
**Date:** 06/28/2019 7:37 AM  
**Subject:** [EXTERNAL]Recommendations-- Invitation to Attend a Public Meeting on a UDC Text Amendment to allow for a Plan Amendment and a Rezoning to run concurrently  
**Cc:** <jmaherarchitect@gmail.com>

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6/27

**Dear Dan Bursuck,**

**These are my suggestions, recommendations:**

1. **Allow for option 2 for selective "obvious" properties similar to the Brake Master example of C1 to C2 on a major street--not controversial at all.**  
*The Historic Broadway Village should have never been challenged. It was a special case. Tucson is lucky they did not just bulldoze the complex. I assisted in saving this property and Hacienda del Sol some years ago from demo too.*
2. **Allow for a party to present "proposal review request" (new paperwork, instructions) with prelim drawings, site code check be presented at the weekly "pre-app" meeting for staff to consider if Option 2 concurrent is applicable to the situation.**
3. **Not just for small properites:**  
*No size or conditions should be part of this proposal review request. But the obvious non-conflicted aspects of adjacent similar zoning, compliance with setbacks, buffering space available to adjacent residential should be part which is in the code already.*  
*However, if it is a PAD or very large project or drastic rezoning request forthcoming, perhaps this is where an additional N-hood meeting is required. Otherwise, one is sufficient.*
4. **If proposal is accepted, stipulate that more progress design drawings are to be provided also. Not just a schematic site plan. A better understanding of the design aspects should be required prior to the rezoning.**
5. **Planning Commission:**  
*The PC should be able to handle review of these projects after "vetting" by staff and their compliance with "obvious code aspects" without variances, etc.*  
*I pushed council years ago to appoint those of us in the planning, architecture and construction field who know the zoning code.*  
*The zoning examiner process is too limiting to the design review process. Presenting to PC is much better and more flexible for all parties.*
6. **Age of N-hood/Area Plan should be taken into consideration and assist in accepting proposal. Most are outdated--Tucson has changed--these streets have changed--30 to 50 years old with no funds to adjust for properties along major or even minor streets in Tucson.**  
*If it can't be on a business street, where are these types of business projects going to be built?*

**6a. Buffering is much better now:**

**Prior zoning allowed for parking behind in residential zoning and minimal buffering to N-hoods. All new bufer codes are very much in place so businesses on major streets should not be a problem.**

**7. It must be good for 5 years. Remember the Frys store took 5 years and was on a business corner & business intersection. It was church owned I beileve so they could wait it out for sensible ideas and people to prevail.**

**8. Council members could consider providing "educational sessions" for citizens on the zoning code. No one will attend. Tho its too complicated to even to attempt but should be considered so at least you tried.**

**Conflicted parties should be REQUIRED to hire a consultant to understand the project and provide understanding so there is less time and money wasted and less confusion for obvious cases.**

**Fin**

**If a city or N-hood or major street doesnt progress, more forward with improvements it dies. Broadway died. Grant did not die since its mostly homes that noone can sleep in except renters. Too restrictve rules just kill any attempt to improve areas and buildings and homes. Much of Tucson is dead in this fashion.**

**Thanks for your efforts for a better Tucson.  
You may pass this to Mayor and Council also and other parties.**

**good luck,  
best regards,**

**Joseph Maher**

**Joseph Maher, Jr. AIA  
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**A Listing of Current & prior AIA and Community Involvement: 27 years, 11,000 hours:**

**AIA Arizona State Director (prior)  
SAC AIA President 2009 (prior)  
Chair-Architecture Week (prior, 15 years)**

- Alumnus: U/A College of Architecture and Landscape (CAPLA)**
- Member: Southern Arizona Chapter/American Institute of Architects (SAC/AIA)**
- Member: City of Tucson Planning Commission**
- Member: Broadway Corridor Task Force**
- Member: Grant Road Task Force**
- Member: City Water/Pima County Waste Water Committee**
- Member: Tucson Clean & Beautiful/Trees for Tucson/Adopt a Park Program**
- Member: Downtown Core Overlay Sub-District LUC Sub-Committee**
- Member: Land Use Code (LUC) Sub-Committee, City of Tucson**

- Member: Sustainable/Agricultural Code (LUC) Sub-Committee, City of Tucson
- Member: National Trust for Historic Preservation
- Member: Downtown Links Citizens Committee
- Member: CTAC, City of Tucson Transportation Advisory Committee
- Member: Arizona Forward
- Member: SAHBA, Southern Arizona Home Builders Association
- Member: Metropolitan Pima Alliance

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>>> Daniel Bursuck 06/12/2019 4:45 PM >>>  
 Good afternoon,

We apologize, but it has come to our attention that **incorrect locations for the upcoming meetings** related to the Concurrent Plan Amendment / Rezoning process were listed in the email that was sent out on June 4, 2019 . The **correct location** for the Public Meeting on **Wednesday, June 19, 2019 from 5:30 - 6:30 PM will be at the City of Tucson Housing and Community Development - Sentinel Building** (320 N. Commerce Park Loop, Tucson AZ 85709) and the **correct location** for the **Public Meeting on Wednesday, June 26, 2019 from 5:30PM - 6:30PM will be at the Murphy-Wilmot Library - Medium Meeting Room** (530 N. Wilmot Rd. Tucson AZ 85711).

The times and locations for all three meetings are as follows:

<b>Wednesday, June 19, 2019 5:30pm-6:30pm</b>	<b>Wednesday, June 26, 2019 12pm-1pm</b>	<b>Wednesday, June 26, 2019 5:30pm-6:30pm</b>
<b>Located at: City of Tucson</b>	<b>Located at: Pima County Public Works Building</b>	<b>Located at: Murphy-Wilmot Library</b>
<b>Housing and Community Development Sentinel Building 320 N. Commerce Park Loop Tucson AZ 85709</b>	<b>Room A (located in basement) 201 N Stone Ave Tucson, AZ 85701</b>	<b>Medium Meeting Room 530 N. Wilmot Rd. Tucson AZ 85711</b>

We are very sorry for any inconvenience this may create. In case you have forwarded the previous email to any person or group, we request that you forward this information along as well - to help get the word around.

Please feel free to reach out to me at [daniel.bursuck@tucsonaz.gov](mailto:daniel.bursuck@tucsonaz.gov) or 837-4984 if you have any questions.

Thank you,

Dan Bursuck, AICP  
 Principal Planner

Planning & Development Services  
City of Tucson  
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[Daniel.Bursuck@tucsonaz.gov](mailto:Daniel.Bursuck@tucsonaz.gov)

>>> Daniel Bursuck 06/04/2019 1:00 PM >>>

**Greetings,**

**YOU ARE INVITED TO ATTEND A PUBLIC MEETING ON THE PROPOSAL TO AMEND THE UNIFIED DEVELOPMENT CODE (UDC) TO ALLOW FOR THE PLAN AMENDMENT AND REZONING PROCESSES TO RUN CONCURRENTLY.** Currently, The City of Tucson Planning and Development Services Department (PDSD) are seeking feedback regarding a proposal to allow for amendments to the City's area and neighborhood plans to run concurrently with rezoning processes. This amendment would change the existing policy of requiring Mayor and Council to approve a plan amendment prior to beginning the Rezoning process.

At this Public Meeting, PDSD staff will give a presentation to help everyone understand the existing process, what options may exist for the concurrent process, and then facilitate a discussion for participants to share their opinions, observations and suggestions regarding proposed concurrent plan amendment and rezoning text amendment. This feedback will be essential to staff's review of this issue and what will ultimately be presented to the Planning Commission and Mayor and Council.

*Please note:* If you would like to participate but are unable to attend one of the three meetings, staff will be available for one-on-one meetings.

**QUESTIONS:** Please contact Daniel Bursuck at [Daniel.bursuck@tucsonaz.gov](mailto:Daniel.bursuck@tucsonaz.gov).

We hope you are able to attend the Public Meetings on one of the three dates above.

Thank you,

Dan Bursuck, AICP  
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**Questions Raised by the Concurrent Plan Amendment/Rezoning Proposal**  
**Tucson Residents for Responsive Government PDS Committee**  
**Compiled by Ruth Beeker, Chair**  
**Summer 2019**

The PDS Process Handouts on **Plan Amendment, Rezoning Process and Planned Area Development (PAD)** provide residents information which is integral to understanding of the Concurrent Plan Amendment/Rezoning proposal. If residents felt procedures were adequate, already well administered and clearly defined, it would make support of the concurrent proposal more assured. Unfortunately, review of the components which would be integrated reminds residents that deficiencies in the status quo, unless addressed now, will only be extended to one more option.

**Plan Amendment**

The process handout states a plan amendment is “ a revision”. . “typically changing a land use map or existing land use plans.” That implies that if there is a barrier in the plan for a specific proposal, it will be removed or revised to allow that use; an amendment is not for construction or administrative details.

QUESTIONS:

What role should the neighborhood have in identifying what amendments are needed?  
Is amending for a specific project the best way to think of over-all neighborhood land use?  
How much detail of the project is required for neighbors to judge if that revision is appropriate?  
Rezoning has a 5-year time limit—should amendments have the same limitation/sunset?  
How do neighborhoods get assurance that their plans will not be amended to incorporate a specific project’s zoning conditions/procedures which belong in zoning documents, not in the plans?

**Rezoning Process, Planned Area Development (PAD)**

The Unified Development Code (UDC) provides dimensional parameters and specific uses for regular zones. This enables the public to know what an applicant is requesting when asking for a change of zones. That is not true when an applicant chooses to use a PAD. The PAD process handout refers to “flexible regulations” which “may have land use regulations that are different from. .. UDC.” That does not communicate the extent of the “flexibility.”

On Dec. 13, 2017, John Beale responded to a request for PAD clarification with the following:

The UDC requires the PAD to be in conformance with Area and Neighborhood Plans, but the PAD allows for modification or deletion of any regulation or standard in the UDC such as permitted land uses (allowing and/or excluding), parking requirements, landscaping requirements, building setbacks and heights, density and lot overage, etc. The PAD only allows modifications to UDC but not to any other chapter of the Tucson City Code such as Chapter 25 Street or Building Codes.

QUESTIONS:

Residents report finding wide discrepancy in access to applications and in quality of applications submitted to the Zoning Examiner; who is responsible for enforcing standards for an acceptable submission and for ensuring materials are available to the public?  
What level of detail should the public expect to see submitted to the Zoning Examiner?

## **Neighborhood Meeting**

Each of the three PDS Process Handouts details the City of Tucson requirements for Neighborhood Meeting: applicant responsible for it all—sends out notice; provides information; listens; documents the meeting to comply with requirement on checklist by compiling minutes, sign-in sheet and other materials. END OF STORY. Nowhere on the Process sheet's 6 steps is there any indication that neighbors' input is considered in decision-making.

Concurrent Option 1, as recommended by Mayor and Council, provides for one neighborhood meeting, a reduction from the two which would be required if plan amendment and zoning were separate. That is totally unacceptable; however, equally troubling is continuing the current policy for Neighborhood Meeting. Some individual developers choose to have a respectful public process, but the fact that the City does not require it leaves the City with an official policy which is window-dressing only.

### QUESTIONS:

What is the City's responsibility to ensure that neighbors have the knowledge to give well-informed input, to ensure that the information they are hearing from the applicant is accurate, consistent and thorough?

How soon in the Application Process should initial meetings with the neighbors be scheduled to give input before the project is already too far along to change?

How can the third step of the identified Process on the PDS Process Handouts be altered so that the input from the neighbors will be addressed and given consideration before the PDS staff completes its review?

## **Other Questions**

Whenever given an opportunity, people bring up repeated, unanswered concerns. A sampling:

- Why have projects in my neighborhood not followed proper permitting process?
- Why did the neighborhood not get a notice?
- I live in a Homeowners Association; why can't the City at least send me notices?
- Why can't I find information on the City's website?
- Will this process be different? The City holds public meetings but goes ahead and does whatever it was planning to do all along; it's all a charade
- When will Planning Commission finally get the City attorney and PSDS staff direction it needs to establish its purpose and procedures? Should Mayor/Council take an active interest, since they appoint its members?

## **POSTSCRIPT**

*TRRG-PDS Committee appreciates PDS's development of the Process Handouts. They provide information in an accessible format which residents can comprehend. Only when the public knows what processes are currently being used can there be a meaningful discussion of how to move forward. Such transparency can lead to accountability which can lead to trust in City of Tucson government.*

