



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**Date:** July 20, 2016

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**To:** Planning Commission

**From:** Nicole Ewing Gavin  
Director, Planning and Development Services

**Subject:** C8-16-03 Reinvestment Tools Package No. 3 – Overlapping  
Plan Amendment and Rezoning Applications – Study Session

**Issue** – This is a study session to allow the Planning Commission to deliberate on one of the draft Reinvestment Tools initiated by Mayor and Council on March 22<sup>nd</sup>, 2016. The following Unified Development Code (UDC) text amendment would provide for regulatory incentives that could be implemented throughout the City, building on the success similar tools have yielded in the downtown area:

(1) allow for optional overlapping of Plan Amendment and Rezoning applications.

**Recommendation** – Staff recommends that the Planning Commission set this amendment to the Unified Development Code (UDC) for a public hearing on August 17, 2016.

**Background** – On December 15, 2015, the Mayor and Council directed the Office of Economic Initiatives and Planning and Development Services (PDS) to identify additional financial and regulatory incentives that could be implemented throughout the City, building on the success similar tools have yielded in the downtown area.

On March 22, 2016, staff returned to the Mayor and Council for a study session outlining the following Reinvestment Tools in the form of text amendments to the UDC: (a) expand the use of the Planned Area Development (PAD) rezoning tool, (b) allow for optional overlapping Plan Amendment and Rezoning applications, and (c) establish an administrative process for MS&R setback relief.

On April 6, 2016, staff presented the Reinvestment Tools Text Amendment to Planning Commission at a study session. Planning Commission set a public hearing date for the expanded use of the PAD amendment and the MS&R setback relief amendment, while requesting further review of the overlapping Plan Amendment / Rezoning process at a second study session to assess implications related to the overall timeline and ensuring the Planning Commission's input is incorporated prior to Zoning Examiner Public Hearing.

On May 11, 2016, staff held a public meeting to present the proposed Reinvestment Tools Text Amendment, and receive feedback from the community. The meeting included two fifteen minute presentations with a question-and-answer period, and an open house with presentation boards and one-on-one discussions with staff. At that meeting, staff received

seventeen comment cards from attendees (see Attachment B for transcription of comments and responses). The topics covered in the comment cards included: providing a more open public process, addressing concerns about safeguards to ensure the Plan Amendment process is informing the Rezoning process, and providing a development whose end product is beneficial to the community as a whole.

On June 1, 2016, staff presented the overlapping Plan Amendment / Rezoning process at a second study session to assess implications related to the overall timeline and ensuring the Planning Commission's input is incorporated prior to Zoning Examiner Public Hearing. At that study session, Planning Commission expressed concerns regarding what triggers the start of the Zoning Examiner Public Hearing process and how to address that Plan Amendments and Rezonings are heard by separate legislative bodies.

**Present Considerations** – Pursuant to the Mayor and Council's direction with feedback from Planning Commission and the public meeting, staff prepared the following draft amendment (see Attachment A for more details on proposed amendments):

1. Allow for optional overlapping Plan Amendment and Rezoning applications:

**Goal:** Reduce developer's time for entitlement process and assist public by clarifying full picture of development earlier in the process.

**Proposal:** Revise UDC Section 3.5.3 (see Attachment A for proposed UDC text amendment) to allow for Plan Amendments and Rezonings to run simultaneously. Applicant would have a choice to run Plan Amendments and Rezonings as overlapping or sequential (see Attachment D for timeline of two choices). To run the two processes, the applicant would be required to submit a specific overlapping Plan Amendment and Rezoning application. This would allow the two processes to overlap, but would require the applicant to receive Mayor and Council approval prior to scheduling the Zoning Examiner Public Hearing.

The benefits of allowing the option of overlapping Plan Amendments and Rezonings are, reducing the entitlement timeline by 2 to 4 months and allow the public to see and comment on the full details of the proposed project.

This proposal attempts to address the Planning Commissions concerns regarding the previous proposal, in which Mayor and Council approval or a favorable recommendation from Planning Commission would trigger the scheduling of the Zoning Examiner Public Hearing. This iteration requires Mayor and Council approval prior to scheduling the Zoning Examiner Public Hearing. This revised approval won't reduce the entitlement process as much as it did previously, but will still reduce it by 2 to 4 months.

**Attachments:**

- A – Draft Reinvestment Tools Text Amendment No 3
- B – Transcription of comments from May 11, 2016 public meeting with responses
- C – Summary of other communities Plan Amendment / Rezoning process
- D – Timeline of overlapping and sequential Plan Amendment / Rezoning process