



MEMORANDUM

Date: March 13, 2006

Memo To: Planning Commission
Infill Subcommittee

From: Andrew Singelakis,
Deputy Director

Re: Upcoming Meeting

The next meeting of the Infill Subcommittee will be on **March 20, 2006 at 5:30PM** at the **Mayor and Council Chambers**. The purpose of the meeting will be to review the current status of drafts, discuss pending issues, and determine our next steps of action. Kathy Rex was appointed by the Planning Commission to replace Thomas Sayler-Brown who is no longer on the Planning Commission. Since Mr. Sayler-Brown was the Chair of the subcommittee, a new chair will need to be selected at the meeting.

The Infill Subcommittee last met in September of 2005 after reviewing a draft of the Residential Cluster Project (RCP). Following that, staff conducted a total of 13 working group meetings on the following items: 1) neighborhood overlay zone; 2) mixed use infill zone and 3) design guidelines. It is intended that the Infill Subcommittee finalize all drafts and return to the Planning Commission with all of them in a form ready for study session, and as a single package of infill ordinances. Based upon comments received on the Design Guidelines, that document will be completely revised and brought back to the Planning Commission this summer.

During this meeting, the Commission will review drafts of the Neighborhood Overlay Zone (NOZ) and the Mixed Use Infill Zone (MI), modifications associated with the Residential Cluster Project (RCP), and the composition of the Design Review Board (DRB).

All current drafts are available on the Planning Department's website at: <http://www.tucsonaz.gov/planning/news/committees/infill/index.html#TopOfPage>

In addition, it should be emphasized that these amendments should be viewed as changes to the land use code to enable site-specific flexibility and design responsibility. All of these changes point to larger problems with the LUC in general, which is overly dependent upon formulas that do not account for site-specific variability. The City should begin to think about whether it should seek to engage in a comprehensive update of the LUC. The Department of Urban Planning and Design has engaged the services of Clarion Associates from Denver who is providing us with a "diagnosis" of our LUC based upon several stakeholder meetings.

Neighborhood Overlay Zone (NOZ)

The Neighborhood Overlay Zone (NOZ) draft regulations would permit a neighborhood to develop standards that address neighborhood specific land use issues. Specific overlay zones would allow restrictions to ensure compatibility that would supercede underlying LUC requirements. For example, a neighborhood might establish an overlay zone that would place limits on the size of accessory structures. A specific overlay zone might also establish a design review process, similar to that used in Historic Districts. The draft does not provide these standards, but simply enables the neighborhood to seek a specific overlay at a future time. The establishment of an overlay zone is subject to a rezoning process for all affected parcels.

The ordinance would allow for standards to be enacted in the following areas: building heights and perimeter yards, accessory structures, structure height requirements, access provisions, lot coverage, streets, lots, motor vehicle and parking requirements, landscaping and screening requirements.

In addition, the overlay zone would allow for the establishment of a design review process. Under this scenario, if selected by a neighborhood, project reviews could be sent to the Design Review Board prior to the approval of a building permit.

Mixed Use Infill Zone (MI)

The Mixed Use/Infill Zone is a tool to allow for flexible, context sensitive design for mixed use projects that are located on arterial streets, transit routes, activity centers and pedestrian oriented districts as defined in the general plan or in a neighborhood or area plan. Under these provisions, an applicant, through a participatory process involving the community, stakeholders, residents and property owners in the area would develop a design based upon site characteristics. Approvals would occur through a single review process, without the need to seek additional variances or waivers.

The design objectives for the MI zone is to provide for mixed use pedestrian oriented buildings that will minimize impacts of adjacent properties. (See 2.6.5.1. "Purposes" in the draft). Such projects are limited to locations along arterial streets, transit routes, activity centers and pedestrian areas. The size, scale and mass of permitted uses would be limited by site constraints. For example, while "retail uses" in the code allow for up to 100,000 square feet of area, in the MI zone, the size of the retail use would be limited by underlying site characteristics as determined by a detailed set of findings, general requirements and performance standards.

In order to rezone to the MI zone, the Mayor and Council through the Zoning Examiner and with review by the Design Review Board, would need to find that the project is consistent with all eight findings found in 2.6.5.5 of the draft. These include a review of impacts on the surrounding area, compatibility with underlying land use plans, and assurances that neighborhood streets will not be impacted. In addition to notification and meeting requirements of a rezoning, the Mayor and Council would also need to find that the applicant has "engaged" nearby residents, property owners and neighborhood associations throughout the design process.

The ordinance also provides for a series of design standards and application submission requirements needed for an evaluation of the required findings. Development Criteria (2.6.5.6.C) are flexible and may be modified if the project satisfies the findings.

Residential Cluster Project

A draft of the Residential Cluster Project has been available since the Infill Subcommittee last reviewed it in September, and minor clarifying modifications have been made for the March 13th draft. The current RCP provisions enable flexible designs for clustered projects. Concerns were raised about cluster subdivision projects in infill areas, on smaller lots (generally those less than 5 acres). Specifically, increased densities are allowed through lot flexibility. The result has sometimes been residential projects that are incompatible with pre-existing neighborhoods. Subdivisions on larger parcels tend to have fewer compatibility problems, as they are generally located in areas with less preexisting development or are on sites large enough to mitigate any increases in density. Another problem identified is that while the RCP provisions enable flexibility, they not require compliance with General Plan design concepts. The current ordinance also contains a “bonus density” provision that has not been used by applicants and contains onerous requirements that only serve to complicate the LUC.

The most recent draft provides for the following:

- Differentiates between RCP subdivisions that are e5 acres in gross area or less from those greater than 5 acres,

- Adds design standards or performance criteria found in the adopted General Plan as a requirement for all RCP subdivisions.

- Requires DRP review for all subdivisions under 5 acres in size.

- Moves “development criteria” into design criteria, along with the additional design standards for all RCP subdivisions. Modifications to these criteria can be made following review by the DRB, rather than through zoning variance.

- Addresses current RCP provisions that allow mass grading of sites with significant slopes. This has been done without modifying the Hillside Development Zone, as a complete review and modification of our environmental provisions in the LUC need to be addressed comprehensively at a future date.

- Eliminates the RCP notification provisions in 23A-35 in the code. That notice provision requires 150-foot notice. That is replaced with the “Limited Notice Provision”.

- Eliminates the “bonus density” provisions from the RPC language.

At the last meeting, the subcommittee asked for information concerning the availability of land within “infill” areas and the characteristics of RCP subdivisions. Attached in the packet is a table that shows the number of vacant parcels within the City by ward. In each ward, the vast majority of vacant parcels are located on sites that are less than 5 acres, with a significant amount located on parcels that are between 5 and 10 acres (see table 1). The associated maps demonstrate that by and large, most parcels located outside of “infill” areas are greater than 40 acres in size. Forty acres is significant because that is the minimum requirement for a Planned Area Development, and it can reasonably be argued that this tool should be used when providing

entitlements for such properties. In addition, the City is also developing a “Planned Community District” provision for parcels that are 500 acres or greater.

Table 1. Vacant Parcels by Ward and Size in the City of Tucson

	Tucson	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6
Vacant Parcels	4409	1274	534	406	966	934	295
Total	3839	1154	485	397	669	843	291
10,000 sq ft - 5 acres	249	59	32	6	107	41	4
>5 - 10 acres	149	36	11	3	74	25	0
>10 - 25 acres	43	11	5	0	22	5	0
>25 - 40 acres	129	14	1	0	94	20	0
>40 acres							

Source: Urban Planning and Design GIS

Table 2. RCP Subdivisions by Size, FY 2005

Size of RCP Subdivision	Number of Subdivisions	% of Total of Subdivisions	Cumulative % of Subdivisions
Less than 2 Acres	8	33%	33%
2-5 Acres	5	21%	54%
5-10 Acres	8	33%	87%
10-40 Acres	0	0%	87%
40+ Acres	3	13%	100%

Source: Development Services Department

Table 2 demonstrates that a significant number of RCP subdivisions (33%) are located on parcels that are smaller than 2 acres in size. The majority of RCP subdivisions (54%) are located on a parcel smaller than 5 acres. A total of 8 (33%) are located on a parcel that is between 5 and 10 acres. There were no RCP subdivisions located on a parcel between 10 and 40 acres in FY 2005.

Design Review Board (DRB)

Since these revisions expand the role of the DRB to include the review of Mixed Use Infill Development, RCP subdivisions and, if applicable, some development resulting from possible Neighborhood Overlay zones, the composition of that panel should be expanded. This set of changes proposes that a site planner/subdivision designer be added as well as a neighborhood representative. The neighborhood representative would be a single person appointed by the Mayor and Council to review projects from a neighborhood perspective.

Design Guidelines Manual

Staff had produced a draft of design guidelines for 1) single family residential, 2) mixed use/commercial, and 3) multi-family development. Based upon feedback from stakeholders, it is clear that additional significant revisions need to occur. There was significant confusion regarding how this manual would be implemented. As “guidelines” they are not standards. They should be a set of “best practices” that can be used for discretionary reviews such as rezoning and special exceptions. Further, a more

appropriate term should be “site planning guidelines” as this document is not intended to dictate architectural design issues. As stated previously, a redrafted version will be produced by this summer and will go through a separate set of stakeholder review.

Special Project Development (SPD)

The Special Project Development (SPD) was presented as being the same as the Mixed Use Zone, with the exception that a rezoning is not necessary because the site has the appropriate underlying land uses. In this case, the same findings and requirements relate, however, the approval is by the Zoning Examiner, similar to a special exception.

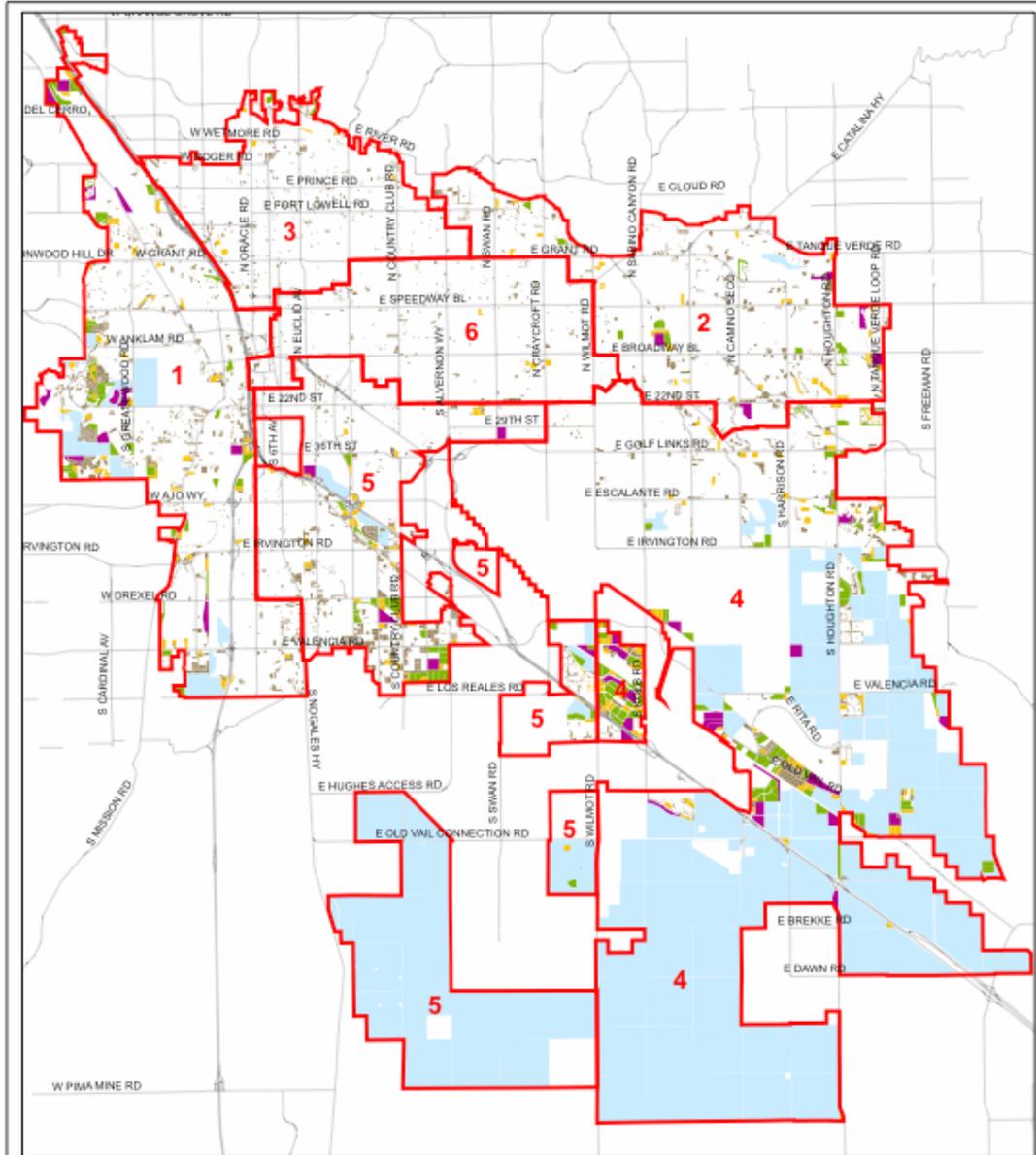
The City Attorney’s office feels that the applicability of this zone should be moved to beyond mixed-use developments, and should be enabled in any location, similar to the previously discussed amendments to the Design Development Option (DDO). This was raised in response to concerns about how zoning variances have been granted by the Board of Adjustment. Between drafts, additional language was added by the City Attorney’s office that included purpose statements indicating that this zoning tool would “provide a design option where the strict application of the code requirements to a unique case would impose a substantial individual hardship.”

While Planning Staff believes that the safeguards are in place in the draft that the City Attorney’s office as provided, it questions whether the impacts associated with this approach has been appropriately vetted with stakeholders, or whether this intent was understood. It also questions whether these set of infill zoning tools should be used as a mechanism to rectify problems associated with the granting of variances. Staff also believes that a DDO type of approach would need to be worked through with design guidelines in place, and therefore, this provision will also be reexamined at a later date.

If you have any questions prior to the meeting, please feel free to contact me at 791-4505 or via e-mail at Andrew.singelakis@tucsonaz.gov. You may also contact Glenn Moyer, project manager, at the same number (glenn.moyer@tucsonaz.gov).

Attachments:

- Map of Vacant parcels Larger Than 10,000 sq. ft. in Residential Zones
- Map of Vacant parcels Larger Than 10,000 sq. ft.
- Draft Neighborhood Overlay Zone (NOZ)
- Draft Mixed Use Infill Zone (MI)
- Draft Design Review Board (DRB)
- Draft Residential Cluster Project (RCP)



**Vacant Parcels Larger Than 10,000 Sq. Ft.
 Within Tucson City Limits**

0 0.5 1 2 3 Miles

Legend

Wards	10 - 25 acres
Major Streets	25 - 40 acres
Vacant Parcels, all zones	over 40 acres
5 - 10 acres	
10,000 sq. ft. - 5 acres	

City of Tucson
 DEPARTMENT OF
 URBAN PLANNING
 & DESIGN