



PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: February 6, 2008

TO: Planning Commission

FROM: *Albert Elias*
Albert Elias, AICP
Executive Secretary

SUBJECT: Proposed Flexible Lot Development (formerly known as Residential Cluster Project) Land Use Code Text Amendment

Issue – This item is for discussion by the Planning Commission in a study session. The Flexible Lot Development (formerly known as Residential Cluster Project) is a text amendment that provides greater flexibility and creativity in the design of residential development. Flexible Lot Development is an alternative to standard subdivision regulations.

Background – The Flexible Lot Development (formerly known as Residential Cluster Project) is a text amendment that provides greater flexibility and creativity in the design of residential development in the SR, RX-1 & 2, SH, MH-1 & 2, R-1, 2 & 3, O-3, and C-2 zones. Flexible Lot Development is an alternative to standard subdivision regulations.

The Residential Cluster Project was enacted in the mid-1980's. Approximately 80% of subdivisions submitted to the City utilize the Residential Cluster Project development criteria.

On October 24, 2006, Mayor and Council amended the Residential Cluster Project ordinance to require a Zoning Examiner public hearing for projects 5 acres or less in response to concerns regarding residential cluster projects' compatibility with the surrounding neighborhoods.

Since that time, City staff formed an ad hoc committee comprised of developers, consultants, and neighborhood representatives to discuss revisions to the RCP. City staff met most recently with the committee on January 23, 2008. The remaining issues with the committee are the common open space and privacy mitigation requirements and the use of public rights-of-way and easements for landscaping and amenities (see Attachment E for more details). While staff has attempted to draft provisions for these issues that are mutually acceptable by the committee members, staff anticipates one or more committee members to have issue with the draft solutions for various reasons.

City staff also took the proposed amendments to the Planning Commission's Infill Subcommittee for review and recommendation in July and September 2007. On September 6, 2007, the Planning Commission's Infill Subcommittee forwarded the proposed Flexible Lot Development LUC text amendment to the Planning Commission for a study session.

Since September 2007, staff has met with the ad hoc committee three times and provided several updates to the Planning Commission on the progress of the amendments.

Amendment Summary – The Flexible Lot Development draft proposes to amend the current ordinance in four significant ways: 1) requiring common and functional open space; 2) providing transition edge treatment and mitigation for adjacent properties; 3) establishing architectural design requirements; and 4) amending the review procedures for FLD projects five acres or less.

Common & Functional open space: The current Residential Cluster Project (RCP) ordinance does not include provisions requiring common open space or functional open space (i.e. recreational amenities). As a result, staff has had to negotiate with applicants the amount of common open space provided within the RCP on a case-by-case basis. The Flexible Lot Development proposes to require common and functional open space of every FLD project regardless of acreage or lot count. The amount of common open space requirement is based on a sliding scale according to the number of lots within the FLD project (Section 3.6.1.5.C.3: Common Open Space Area Requirements). The more lots that are proposed within the FLD project, the more common open space that is required. Every FLD project is required to the greatest extent possible to design its detention and retention basins as functional open space by incorporating the Multiple-Use Concepts and Aesthetic Design Guidelines in the Stormwater Detention/Retention Manual.

Of the common open space required within an FLD project, sixty percent (60%) must be functional. Functional open space includes, but is not limited to, passive and active recreational amenities such as trails, playgrounds, picnic areas, and swimming pools.

Transition edge treatment and mitigation for adjacent properties: Provisions intended to reduce the negative impacts of the FLD project on the surrounding existing area through buffering, landscaping, and other privacy mitigation measures are required in the proposed draft (Section 3.6.1.6.A: Transition edge treatment and mitigation for adjacent properties).

Architectural design requirements: The currently adopted ordinance requires the architectural design of RCP projects less than four (4) acres to be compatible with, or complementary to, the design characteristics of the existing surrounding residences (Section 3.6.1.7.B: Architectural Design). The proposed FLD expands the architectural design requirements in an effort to provide architectural diversity, visual interest, and to avoid monotony in design by requiring variations in such architectural treatments as finished materials, building footprint orientation, and garage placement.

Review procedures for FLDs five acres or less: As stated above, the RCP ordinance was amended in October 2006 to require a Zoning Examiner public hearing for project 5 acres or less. The proposed FLD modifies this process to still require a neighborhood meeting prior to

submittal of an application, but would no longer require a public hearing. Instead, the Director of the Development Services Department would consider the FLD application for approval, which is consistent with FLD projects more than 5 acres. The neighborhood association and surrounding property owners would be notified of the decision and may appeal the decision to the Mayor and Council within fourteen days of the decision being made.

Attachments:

Attachment A: Proposed text amendment

Attachment B: Proposed amendment to Section 23A-35

Attachment C: Proposed amendment to Article V, Division 1 creating the Design Hearing Officer position

Attachment D: Proposed terminology changes

Attachment E: Summary of January 23, 2008 Ad Hoc Committee Meeting.

S:\Code Revision\FLD\PCSS\PCSS memo_020608