



PLANNING COMMISSION

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

Approved by Planning Commission on March 5, 2008 with corrections. (Deleted text is ~~strikethrough~~ and added text is *italicized*)

Date of Meeting: February 6, 2008

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, February 6, 2008, at 7:02 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

1. ROLL CALL

Present:

Brad Holland, <i>Vice Chair</i>	Member, Ward 6 (departed at 7:50 p.m.)
Shannon McBride-Olson	Member, Ward 2
Joseph Maher, Jr.	Member at Large, Ward 6
Daniel R. Patterson	Member, Ward 5
Catherine Applegate Rex, Vice Chair	Member at Large, Ward 5
Sean Sullivan	Member at Large, Ward 3
James E. Watson	Member, Ward 4
Daniel J. Williams, Chair	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent/Excused

Robert Patrick	Member, Mayor's Office
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Staff Members Present:

Albert Elias, Urban Planning and Design, Director
Jim Mazzocco, Urban Planning and Design, Planning Administrator
Andrew Singelakis, Transportation Department, Deputy Director
Viola Romero-Wright, Principal Assistant City Attorney
Linus Kafka, Principal Assistant City Attorney
Manny Padilla, Urban Planning and Design, Lead Planner
Adam Smith, Urban Planning and Design, Principal Planner
Leslie Liberti, Office of Conservation and Sustainable Development, Director
Ramona Williams, Urban Planning and Design, Secretary
Yolanda Lozano, City Clerk's Office, Recording Secretary

2. MINUTES FOR APPROVAL: January 16, 2008

It was moved by Commissioner Watson, duly seconded, and passed by a voice vote of 9 to 0 (Commissioner Patrick absent), to approve the minutes of January 16, 2008.

3. SILVERBELL-PAINTED SUNSET CIRCLE PLAN AMENDMENT (PA-07-07) (PUBLIC HEARING)

Manny Padilla, Urban Planning and Design, Lead Planner, stated this was the time scheduled for public hearing to consider the amendment to the *Santa Cruz Area Plan*. He said the request was to amend the plan to allow for office, commercial, and residential buildings, specifically amend Key Parcel 12 where the *Plan* currently does not allow commercial uses (self storage) and offices uses. The *Plan* allows medium to high-density residential uses. The site contains approximately 6.8 acres and is located at the northeast corner of Silverbell Road and Painted Sunset Circle, approximately one-half mile north of Grant Road. The original area *Plan* was adopted in 1984, and follows the Santa Cruz River basin, which was different in its configuration as compared to other area plans in the City.

Mr. Padilla gave a PowerPoint presentation outlining all the details, background information, public contact, policy direction, and planning considerations of the *Plan* amendment. He stated staff was not anticipating the overall residential character of the area would change and would blend in with the character of the Santa Cruz basin. He said staff recommended the *Plan* amendment be considered with a motion to the Mayor and Council to approve and to schedule the item for a public hearing at the regularly scheduled meeting on March 25, 2008. At the conclusion of the presentation, Mr. Padilla stated the applicant was present and also wanted to make a PowerPoint presentation.

Chair Rex asked the applicant to come forward and to only present any new material not previously discussed.

Herbert B. Havins, of the Havins Company, said he sent letters to each of the residents who submitted a letter of protest asking them to allow him to present additional information to them, answer any questions and to provide any type of information that would help them in a decision making process. He stated he received no responses. He also spoke about the proposed design for the retention/detention basin along the north and eastern perimeter of the property that would handle drainage going into the concrete line drainage ditch that was located on the north and northeast edge of the property. He said the property had a natural slope of about two percent going from southeast to northwest which was exactly where the drainage occurred. Once the retention/detention basin was designed into the *Plan*, there would be a couple of elements in place. The design of the retention/detention must have a twelve hour drainage characteristic. If water was flowing in the retention/detention basin, it must be designed to empty itself within twelve hours. He said there were annual inspections required of retention/detention basins to make sure those elements of compliance were maintained. He said in other self-storage projects he

had around town, they employ Horticulture Unlimited as their professional landscape maintenance organization. He said they had an effective program in place for both weed eradication and vector control, including mosquito larva side during the appropriate season.

Kim Acorn, Acorn Associates Architecture, Ltd., Project Architect, gave a PowerPoint presentation and discussed conceptual elevations along Silverbell Road and how it fits into the character of the neighborhood. The character was very low rise, a benign look that was attractive, residential in scale, enhanced by the fact that you were not looking at a perimeter parking lot like a typical shopping center.

Commissioner Williams asked staff if the applicant's write-up on the amendment to the area *Plan* went to the Mayor and Council in the packet.

Albert Elias, Urban Planning and Design, Director, stated the applicant's application was transmitted as part of the packet the Mayor and Council received.

Commissioner Williams stated, at the last meeting, he pointed out the applicant compared their amendment to the mid-city growth area plan. He felt this was inappropriate because it was not any where near the mid-city growth plan. He stated he felt the applicant needed to re-write their application so it would be appropriate when it went to the Mayor and Council.

Mr. Elias asked if Commissioner Williams was referring to the applicant's application. He stated staff did not write the application, the applicant did.

Commissioner Williams stated staff's report was correct and that the applicant's was not. He said it needed to be correct before it went to the Mayor and Council.

Chair Rex announced the Public Hearing was open and asked if there was anyone wishing to speak to come forward, state their name and address for the record and that they were limited to three minutes.

Michael Toney stated he also agreed with Commissioner Williams. He said in looking at growing smarter, the *Plan* amendment was the perfect space because it was right next to the washes. The flow area ratio was high cover. He said he did not know how it could be done differently. There was such a transformation of the categories. He said he wondered what was going on in other areas around this location and was it something the residents would be using to not have to leave the area. He said he wondered what the demand was for office spaces and could not see the offices surviving off the local people. He said the self-storage units seemed like a generic form people threw in there to make a profit. He said he would like to see some more pueblo-type dwellings. He spoke about the design for the parking. He said overall he did not feel the design of the project was that good.

It was moved by Commissioner Williams, duly seconded, and passed by a voice vote of 9 to 0, to close the Public Hearing.

Chair Rex asked if there was any discussion.

Commissioner Williams stated he felt the *Plan* looked good and the applicant did a fairly good job of getting it to fit into the area. He said he felt they had good buffers to protect the surrounding neighborhood from the noise and visual impact. He said, before the document goes to the Mayor and Council, he felt the applicant needed to rewrite the proposal for the amendment. What was proposed was not an appropriate comparison to mid-town. He said there were many things that were completely different from the mid-town comparison and he said he felt it needed to be rewritten. He said he applauded staff for their write up and felt the applicant needed to do the same.

Commissioner Patterson stated he felt the same as Commissioner Williams. He also asked about the protest letter the Commission had received. He wanted to know if anyone had withdrawn their protest letters or contacted the City stating they no longer had concerns.

Mr. Padilla stated, in the mail out notifying people of the public hearing, they included a copy of the notice to the people submitting protest letters, as well as people who supported the amendment beyond three hundred feet. No contact to the City was made by any of these individuals.

Chair Rex asked if it was possible to have a staff member, when presenting the item to the Mayor and Council, to point out the differences in the write-ups and/or have the applicant write a cover letter to make a point about understanding the differences between the inter-city and evolving edge.

Mr. Elias stated his recommendation was that the applicant may want to sit down with staff and review the addendum to the application that had those comparisons. Staff would work with him to revise the application. He said he understood the Commission's concerns about the comparisons being inappropriate. He said if the applicant wanted to do that, they could transmit the revised version to the Mayor and Council.

Commissioner Holland asked if it was appropriate to make the revision a deal breaker until such time that it comes back to the Commission.

Viola Romero-Wright, Principal City Attorney, stated there was an issue whether the Commission had the authority to tell the applicant what to write in their application. She stated she felt it was going beyond the authority of the Planning Commission, and stated she recommended, when the motion maker made their finding, that they call that out and it will be transmitted to the Mayor and Council in the letter the Commission forwards.

Commissioner Patterson asked if the Commission could just ask the applicant if he would be willing to make the revision.

Chair Rex stated she thought that was what the Attorney was saying, that it was not appropriate.

Ms. Romero-Wright stated, for clarification, it was not appropriate to direct the applicant to make the change, but if the Commission wanted to ask him, there was no problem.

Mr. Havins stated he had worked very closely with the Planning Commission and Mr. Elias through the process and was willing to sit down, as advised by the Commission, to come up with a cover letter for his application.

It was moved by Commissioner Williams, duly seconded, to forward the item to the Mayor and Council with a recommendation of approval based on the City's write-up and development plan being compatible with the surrounding neighborhood and also that the applicant work with staff to rewrite the amendment plan so the comparison was "apples to apples" vs "apples to oranges".

Commissioner Maher clarified that the applicant was being asked to volunteer to work with staff in rewriting their application.

Chair Rex asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye:	Commissioners Maher, McBride-Olson, Sullivan, Watson, Williams, Wissler; Vice Chair Holland and Chair Rex
Nay:	Commissioner Patterson
Absent/Excused:	Commissioner Patrick

Motion passed by a roll call vote of 8 to 1.

(Vice Chair Holland departed at 7:50 p.m.)

4. FLEXIBLE LOT DEVELOPMENT LUC AMENDMENT (STUDY SESSION)

Adam Smith, Urban Planning and Design, Principal Planner, gave an extensive Power Point presentation of the Flexible Lot Development (FLD) LUC Amendment (formerly known as the Residential Cluster Project [RCP]). He stated this was an update from presentations given at the last couple of meetings with corrections. The 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. Some of the items addressed were:

Common & Functional Open Space:

- Current RCP does not include provisions requiring common open space.
- FLD proposes to require common and functional open space of every FLD project regardless of acreage or lot count.
- Common open space requirement was based on a sliding scale according to the number of lots within the FLD project. The more lots that are proposed within the FLD project, the more common open space was required.

Transition edge treatment and mitigation for adjacent properties:

- Provisions intended to reduce negative impacts of the FLD project on the surrounding existing areas through buffering, landscaping, and other privacy mitigation measures required in the proposed draft.

Architectural design requirements:

- Current ordinance requires architectural design of RCP projects less than four acres to be compatible with, or complementary to, the design characteristics of the existing surrounding residences.
- Proposed FLD expands the architectural design requirements 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:

- RCP ordinance was amended in October 2006 to require a Zoning Examiner public hearing for projects five acres or less.
- Proposed FLD modifies the process to require a neighborhood meeting prior to submittal of an application, but would no longer require a public hearing.
- Director of Development Services Department would consider the FLD application for approval, which was consistent with FLD projects more than five acres.
- Neighborhood associations 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.

Other items:

- Detention/Retention Basins
- Landscaping and amenities
- Garage placement
- Process
- Privacy mitigation

Further discussion was held on the following items:

- fourteen day time limit for the appeal process, suggested it be increased to thirty days
- thirty feet privacy mitigation, single story and two story buildings
- time table for Design Examiner to respond to submittals
- substantial changes made to the FLD since it was presented to the Infill Subcommittee
- conversations held with stakeholders and their comments

It was moved by Commissioner Williams, duly seconded, and passed by a voice vote of 8 to 0 (Commissioner Patrick and Vice Chair Holland absent) to forward the Flexible Lot Development LUC Amendment back to the Infill Subcommittee for review.

5. NEIGHBORHOOD PRESERVATION ZONE (NPZ) LUC AMENDMENT (STUDY SESSION)

Adam Smith, Urban Planning and Development, Principal Planner, stated since the time the Planning Commission reviewed the NPZ in February 2007, it had been revised in three key ways based on direction from the Mayor and Council. He said the original draft did not focus on the University of Arizona environs and was not specifically for National Register designated neighborhoods. The Mayor and Council directed staff, on October 23, 2007, to revise the draft NPZ to limit the scope to historically designated neighborhoods and to prepare neighborhood design manuals for the Feldman's and Jefferson Park Neighborhoods.

Mr. Smith stated the basic process for the NPZ, as outlined in the draft, were: 1) initiate eligible neighborhoods, 2) create individual neighborhood design manuals, 3) rezone the neighborhoods to include the NPZ overlay, and 4) review permits using the adopted neighborhood design manuals. He stated the purpose of the NPZ was to preserve, protect, and enhance the character and historical resources of established city neighborhoods. Neighborhoods eligible for the overlay are neighborhoods that have National Register historic status or are eligible for National Register and have completed a nomination or eligibility assessment application. The Mayor and Council must initiate a neighborhood for the NPZ process.

Mr. Smith stated the neighborhood design manual process for the purpose of the manuals was to specify through illustrations and narratives the defining characteristics of a neighborhood as identified in the National Register application. The manual contains four items: 1) defining design characteristics including compatibility criteria, 2) development design guidelines, 3) privacy mitigation standards, and 4) a district map. Key design elements representing the character of an NPZ include: 1) scale and proportion (e.g., height and number of stores), 2) architectural style and detail (e.g., roof types and projections and recessions), 3) spatial relationships and site utilization (e.g., setbacks and outbuildings), and 4) landscaping (only reviewed when a new residential unit was proposed).

Mr. Smith stated the draft neighborhood design manual must be approved by the Director of Urban Planning and Design prior to initiation of rezoning. Once approved, a rezoning was initiated to overlay the neighborhood with the NPZ. Rezoning follows the typical rezoning process which includes a public hearing at the Zoning Examiner and consideration by the Mayor and Council. The neighborhood design manual was submitted as part of the rezoning application and will be attached as a condition of the rezoning upon approval of the Mayor and Council. Once a rezoning was approved for a neighborhood and they are within the NPZ, projects subject to the neighborhood design manual are those that are zoned RX-1, RX-2, R-1 through R-3. Residential projects subject to the design manual are those that require a building permit for structural work that affects the exterior appearance of the unit as seen from the street. Staff was mostly concerned with what changes are being done to a home that can be seen from the street scape. There was not as much concern if remodeling was being done to the back of the home. The historic appearance and character of the neighborhood are what was being preserved. Some examples of projects that would require compatibility are new residential construction, tear down and replacement, addition of a second story and enclosure of a carport. Projects not subject to the design manual are those that do not require a building permit such as interior remodeling, repairs, maintenance or minor alterations to the exterior.

Mr. Smith stated the timeline for the NPZ was:

- Review by Planning Commission, February through April 2008
- Mayor and Council, May 2008
- Begin Design Manual Workshop Process with Feldman's, April 2008 (This was contingent upon getting the draft to a point in the approval process that staff feels confident there will be no major revisions to the draft).
- Jefferson Park will follow after the beginning of Feldman's, August 2008 (The reason for the time difference was that Jefferson Park, while they are ~~ineligible~~ for National Register neighborhood, they do not have an inventory yet and will be hiring a consultant to assist them and probably will not be done until June or July. That piece of information was crucial to putting together the design manual.)

Jim Mazzocco, Urban Planning and Design, Planning Administrator, said he wanted to clarify to the Commission that staff was directed by the Mayor and Council to begin with Feldman's and Jefferson Park in the design manual process. There are ten other neighborhoods that have shown interest doing a NPZ once it was up and running.

Discussion was held on the following items:

- Difference between an NPZ and a Historic Preservation Zone (HPZ)
- Timeline for Study Session and Public Hearing
- Contributing Properties (appearance from the front vs the back)
- Current code, until new ordinances are adopted, guide new construction (NPZ, RCP, FLD)
- Proposition 207 impact on the NPZ Overlay Land Use Code Text Amendment
- Timelines for other neighborhoods

- Letter from Richard Studwell regarding language on contributing property
- Process for establishing or pursuing National Register status
- Cover letter to the Mayor and Council expressing the Commissions' concerns regarding the timelines of the process vs recommendations made by the Commission at the time of the public hearing.

6. HABITAT CONSERVATION PLAN UPDATE (INFORMATION ITEM)

Chair ~~Williams~~ Rex announced that information was given to each Commission member at the start of the meeting regarding this item.

Leslie Liberti, Office of Conservation and Sustainable Development, Director, stated she wanted to review three topics regarding the Habitat Conservation Plan. She said she noticed there were new members to the Commission and wanted to bring them up to date. The topics were:

- Habitat Conservation Plan (HCPs) – what was it and what was its purpose.
- Status update of where we are on the process
- Timeline for future steps.

Ms. Liberti stated the HCP process was initiated in 2003 with an application to U.S. Fish and Wildlife Service for planning grant funds. Following the receipt of the grant, work began in 2004. She stated the language in the first page of the handout was taken directly from U.S. Fish and Wildlife Service's HCP handbook. The overall purpose of doing the plan or process was to get an incidental take permit which only authorizes take that was incidental to otherwise lawful activities.

Ms. Liberti went through the elements of an HCP process which are: 1) applicant (the City), 2) steering committees, 3) covered activities, 4) planning area, 5) covered species, 6) impacts, 7) measures to monitor, minimize and mitigate impacts and procedures to deal with unforeseen circumstances. Once a draft HCP was in place, this was partnered with the National Environmental Policy Act (NEPA) so that there was a draft Environmental Impact Statement (EIS) or Environment Assessment depending on the scale of the project. She reviewed to process for initiating a permit.

Ms. Liberti discussed mitigation. She said this was where the challenge and drafting of a habitat conservation came about. She said there are no iron-clad rules for what mitigation was appropriate except that it needed to address the specific needs of each of the individual species involved, manageable, enforceable, based on sound biological rationale, practicable, and commensurate with the impacts they address. She also discussed the criteria for permit issuance. She said the official wildlife service ensures that whatever was being proposed by the applicant for minimization of mitigation adequately address impacts to the maximum extent practicable and also ensures the likelihood of survival was not appreciatively reduced and there was recovery of a particular species in the wild.

Ms. Liberti discussed the following items included in the handouts:

- Avra Valley Habitat Conservation Plan
- Southlands Habitat Conservation Plan
- Summary of Survey and Study Efforts (Amphibians, Buffelgrass, Giant Spotted Whiptail, Groundsnake, Lesser Long-Nosed Bats, Lizards, Needle-Spined Pineapple Cactus and Pima Pineapple Cactus, Nocturnal Rodents and Ground-Dwelling Arthropods, and Western Burrowing Owls, Desert Tortoises).

Ms. Liberti also discussed timetable for projects and the process to be used to complete them. She also spoke about grant funding and the cost of the projects. Detailed discussion was also held regarding various aspects of the HCP by Commission members.

7. RIO NUEVO TRANSPORTATION ISSUES (INFORMATION ITEM)

Andrew Singelakis, Deputy Director of Transportation, was to make a presentation on Rio Nuevo Transportation Issues. Due to the lateness of the meeting, he told the Commission that he was willing to come back at the next meeting to give his presentation since it was quite lengthy.

Chair Rex asked the Commission Members what their pleasure was and it was unanimous that Mr. Singelakis return with his presentation to the March 5, 2008, meeting.

8. OTHER BUSINESS

a. Mayor and Council Update

Albert Elias, Urban Planning and Design, Director, stated there were two items going to the Mayor and Council.

1. Planned Community District Public Hearing with the Mayor and Council on February 26, 2008.
2. Kino Plan Amendment Public Hearing date had not yet been set, but it was anticipated it would in early March.

b. Other Planning Commission Items (Future agenda items for discussion/assignments)

Albert Elias, Urban Planning and Design, Director, stated one item that was not included in the Projected Agenda Items list was a study session with the Planning Commission in March for the Mira Monte Neighborhood Plan. Staff had been working with the neighborhood and a plan document was complete, they are in support of it and are anxious to push it through to the Mayor and Council for approval. The timeline would be a study session with the Planning Commission in March, public hearing in April, and this would get it to the Mayor and Council in April.

9. CALL TO THE AUDIENCE

Michael Toney spoke regarding Proposition 207, water levels at Lake Mead and CAP water.

10. ADJOURNMENT: 10:30 p.m.