PLANNING COMMISSION

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

DATE: **April 1, 2009**

TO: **Planning Commission**

Albert Elias

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

SUBJECT: **City of Tucson's Land Use Code Amendment to the Planned Area Development Ordinance**

Issue – This is scheduled as a study session item. This amendment to the existing Planned Area Development ordinance (PAD) is a companion text amendment to the Downtown Infill Incentive District (IID) modification of development regulations and proposes the following:

A. To exempt projects within the IID from the 40-acre minimum site area requirement; and,
B. To allow Mayor and Council initiated PAD rezonings and privately-initiated rezoning within the IID to modify the PAD submittal requirements.

Recommendation – Staff recommends that the Planning Commission set this item for a public hearing in May.

Project Description and Analysis

The amendments to the PAD complement the amendment establishing of the IID in that the PAD further encourages and facilitates development of urban infill projects. Whereby the IID amendment is intended for individual properties, the PAD allows multiple properties to be comprehensively planned and developed.

Specifically, the amendments propose the following.

1. *Exemption from 40-acre requirement.* Applications for projects under 40 acres in site area currently have to get approval from the Mayor and Council prior to submittal. The proposed amendment exempts projects within the IID from this requirement.

2. *Modification of submittal requirements.* Currently, PAD applications must include maps, text, or both documenting the following elements: Introduction and Policy, Site Analysis, and PAD District Proposal. The proposed amendment allows applicants with projects initiated by the Mayor and Council or located in the IID to request a modification to the Site Analysis submittal requirements. The applicant must provide a rationale for the change. The Director of Urban Planning and Design will determine whether to accept the request.

3. *Publicly initiated PADs (Sec. 2.6.3.5.A)*. The PAD currently stipulates that a PAD site must be under single ownership or control. The proposed amendment allows an exception to this when initiated by the Mayor and Council. The Planning Commission Infill Subcommittee asked for the phrase "with the approval of all affected property owners" to be included. Staff recommends it not be included for the following reasons:

   - With the phrase, it means the same as single control. Without the phrase, the City has a flexible regulatory tool that currently does not exist.
   - The intent is to allow Mayor and Council endorsed urban design plans or a form-based code district to be created for an entire area.
   - Public notice, a neighborhood meeting, and a public hearing are required as part of a PAD rezoning process. Property owners will be notified of the rezoning and may voice their support or opposition to the rezoning during the public participation process.
   - The PAD could allow property owners the option of using the underlying zoning or the PAD regulations when developing their properties.
   - Legal issues that may be raised by property owners such as protests and Proposition 207 can be handled as part of rezoning process.

Background – The Mayor and Council approved the Downtown Area Infill Incentive District on October 24, 2006. The Downtown Area Infill Incentive District Plan includes a map defining the boundaries of the district (see Attachment A) and outlines broad policy guidance related to development goals and incentives within the district.

On June 10, 2008, the Mayor and Council directed staff to draft amendments that encourage densification, transit and pedestrian oriented development, and creation of urban neighborhoods within the Downtown Area Infill Incentive District.

On July 8, 2008, the Mayor and Council directed staff to develop medium and long term solutions to encourage and facilitate adaptive reuse of older buildings and revise regulations in the Land Use Code to achieve this.

On March 18, 2009, the Planning Commission Infill Subcommittee forwarded the draft IID to the full Planning Commission for a study session.

Conclusion – The proposed amendments to the PAD are appropriate for the following reasons:

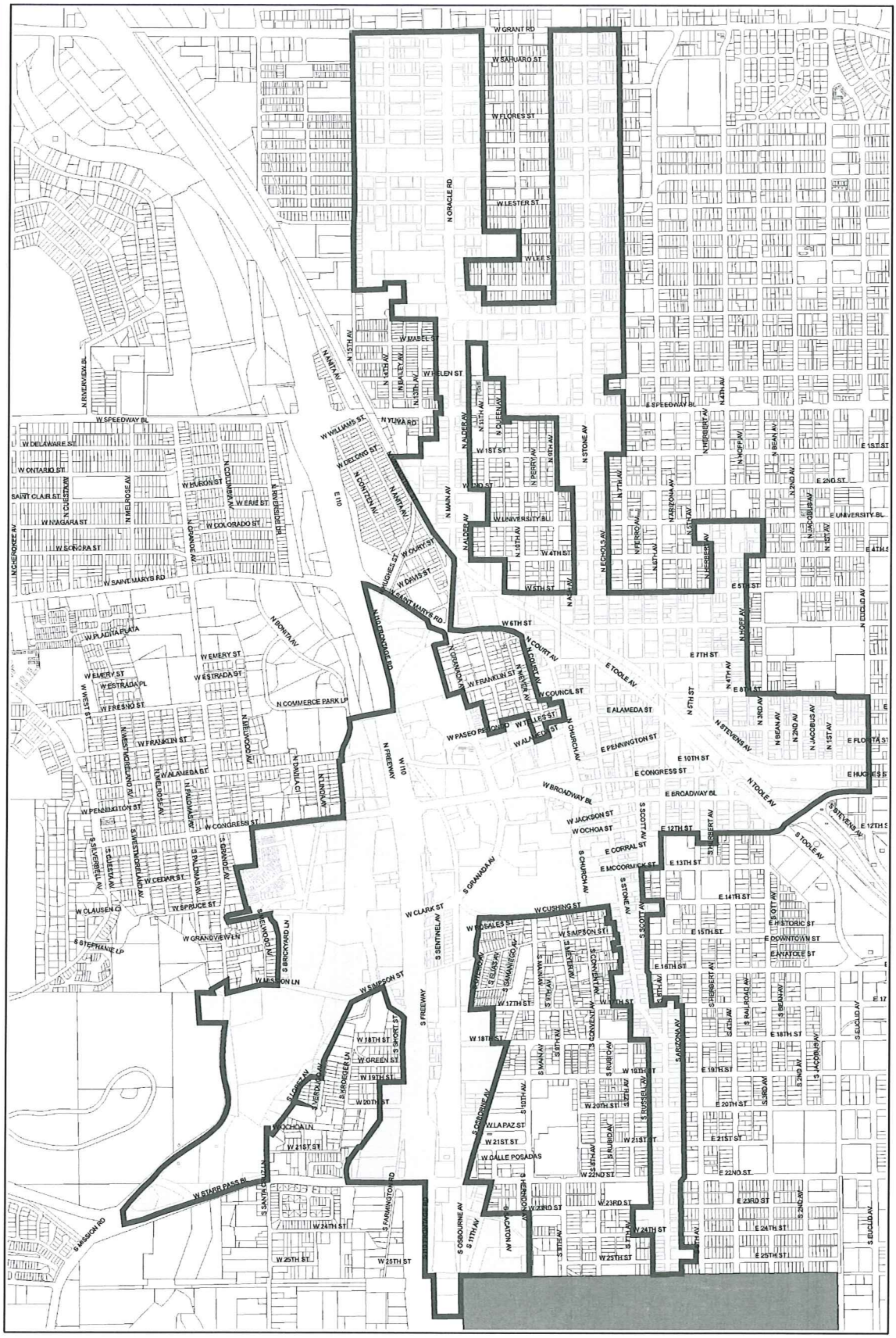
- Serves to implement the Downtown Area Infill Incentive District Plan;
- Allows publicly-initiated urban design plans to be implemented through a publicly-initiated rezoning process;
- Attempts to simplify and streamline urban infill projects in the Downtown area;

- Allows for urban infill near regional employment centers balanced with recently adopted neighborhood preservation policies.

Attachments:

Attachment A: Map of the Infill Incentive District
Attachment B: March 25, 2009 Draft amendments to the PAD ordinance

ATTACHMENT A: MAP OF THE INFILL INCENTIVE DISTRICT



Legend

- Infill Incentive District
- South Tucson

Downtown Area
Infill Incentive District

0 490 980 1,960 Feet

Department of
URBAN PLANNING
& DESIGN

This map and other information have been compiled for preliminary and general purposes only. They are not intended to be complete and accurate for any other purposes. Please refer to officially adopted Ordinances and Maps.

ATTACHMENT B: DRAFT AMENDMENTS TO THE PLANNED AREA DEVELOPMENT ZONE

2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE.

2.6.3.1 Purpose. The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.

2.6.3.2 Land Use Regulations.

A. A PAD zone is a zoning classification which provides for the establishment of zoning districts with distinct regulations as adopted by Mayor and Council. A PAD zone shall be identified as a Planned Area Development (PAD) District and may have land use regulations different from the zoning regulations applicable to other zoning districts in this Chapter and any other PAD District.

B. PAD Districts are identified on the City Zoning Maps by the letters "PAD" followed by a number and the name of the District, such as "PAD-1, Williams Addition Planned Area Development (PAD) District," signifying the set of regulations adopted and applicable to that District.

C. Where a provision in a PAD District varies from the *Land Use Code* (*LUC*), the provisions in the PAD District shall govern.

2.6.3.3 Establishment of a PAD District.

A. A PAD District is established through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)

B. Each PAD District must be in compliance with the adopted *General Plan* and applicable subregional, area, and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)

1. A separate PAD zone shall be adopted for each PAD District.

2. A PAD District must have the same boundaries as the applicable PAD zone.

2.6.3.4 Districts Established. ~~The following PAD Districts are established.~~ The list of established PADs shall be maintained by the Planning and Development Services Department.~~administratively updated, upon adoption of additional PAD Districts, through the appropriate procedure.~~

~~A. "PAD-1" Williams Addition. Adopted on June 1, 1981, by Resolution No. 11533.~~

~~B. "PAD-2" La Entrada. Adopted on February 22, 1982, by Resolution No. 11761.~~

~~C. "PAD-3" Gateway Center. Adopted on January 17, 1983, by Resolution No. 12133.~~

~~D. "PAD-4" Rio Nuevo. Adopted on January 12, 1987, by Resolution No. 13903.~~

~~E. "PAD-5" Tucson Community Center. Adopted on August 3, 1987, by Resolution No. 14130.~~

~~F. "PAD-6A" Civano. Adopted on October 20, 1997, by Ordinance No. 8970.~~

~~G. "PAD-7" La Estancia. Adopted on October 11, 1999, by Ordinance No. 9298.~~

~~H. "PAD-8" Jewish Community Campus. Adopted on February 28, 2000, by Ordinance No. 9345.~~

2.6.3.5 Initiation of a PAD District. A PAD District is initiated by filing an application for a Zoning Examiner Legislative Procedure in conformance with Sec. 5.4.1 and 5.4.3, with the Development Services Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met. (Ord. No. 9967, §2, 7/1/04)

A. The site is under single ownership or control except when initiated by the Mayor and Council with the approval of all affected property owners.

B. The site's land area is a minimum of forty (40) acres, or if located in the Downtown Area Infill Incentive District as defined in Sec. 6.2.4, the Downtown Redevelopment District as defined in Sec. 6.2.4, or ~~in~~ the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone. (Ord. No. 9780, §2, 10/14/02)

C. The PAD District shall be ~~contiguous and in such~~ configured~~ation as~~ to accommodate a well-integrated project. A PAD District may include existing rights-of-way provided the district is planned and developed on a unified basis.

2.6.3.6 Application.

A. PAD District documents shall include the ~~following~~ elements described in Sections 2.6.3.6.B, C, and D in the form of either a map(s), text, or both, as applicable with the following exception:~~.~~

1. For projects initiated by the Mayor and Council or located in the Downtown Area Infill Incentive District as defined in Sec. 6.2.4 and the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, an applicant may request an exception to components of Sec. 2.6.3.6.C (Site Analysis) subject to the following:

   a. The request must be made prior to submittal of the PAD application.
   b. The applicant must identify which submittal requirement(s) is requested for an exception and provide a rationale for the change.
   c. The Planning Director shall make the final determination on whether to accept the request. The director shall consider the purpose statements of the PAD and the Downtown Area Infill Incentive District and applicable General Plan policies when rendering a decision. Approval of the request does not represent the department's endorsement or approval of the rezoning request or project design.
   d. The rationale for the approved exceptions shall be included with the submittal.
   e. The Zoning Examiner and the Mayor and Council may request additional information concerning omitted or modified sections during the review of the rezoning request.

~~A~~B. Introduction and Policy. A description of the purpose, scope, main concepts, and goals of the PAD District, indicating the following.

1. Substantial conformance with the *General Plan* and City land use plans which encompass all or part of the proposed PAD District. (Ord. No. 9517, §2, 2/12/01)

2. The rationale for the use of a PAD zone rather than the use of other zones.

3. The benefits to the community and the applicant by the use of a PAD District.

4. The suitability of the PAD District to significant environmental factors if applicable.

5. The compatibility of the PAD District with adjoining land uses.

6. The physical and economic suitability and feasibility of the PAD District with existing infrastructure and services.

~~B~~C. Site Analysis.

1. Significant natural and built constraints of the site and surroundings.

2. Major transportation and circulation elements intended to serve the PAD District.

3. Existing zoning of the PAD District site and parcels within one hundred fifty (150) feet.

4. Adjacent parcels and structures within one hundred fifty (150) feet of the PAD District boundary.

5. Off-site open space, recreational facilities, parks, and trails within one (1) mile of the PAD District site.

6. Public, educational, community, and cultural facilities on site and within one (1) mile off site.

7. Existing drainage.

8. PAD District site affected by any overlay zone ordinances and the Major Streets and Routes (MS&R) Ordinance.

9. Inventory of existing structures, roads, and other development.

10. Location and extent of existing provisions for sewage disposal, effluent use, stormwater drainage, and utilities.

11. Inventory of existing infrastructure and public services.

12. Hydrology and water resources.

13. Topography and slope.

14. Vegetation and wildlife.

15. Geology and soils.

16. Viewsheds and visual analysis.

17. Paleontological and cultural (archaeological and historical) sites, structures, and districts.

~~C~~D. PAD District Proposal.

1. Illustrative site plan.

2. The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, open space, and recreational land uses.

3. Name, location, and extent of existing or proposed major streets located within the PAD District or needed for servicing the PAD District.

4. Typical street cross-sections.

5. A detailed listing of the permitted land uses in the PAD District.

6. A detailed listing of the regulations governing permitted uses, including, performance standards and standards for development, regulations for development densities, heights, floor area and floor area ratios (FARs), open space, lot area and coverage, parking, landscaping, and other site improvements.

7. Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife.

8. Where applicable, the methods of conservation for scenic natural and built features and viewsheds.

9. Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is public or private.

10. Standards for the phasing and construction of streets proposed for the PAD District or needed for servicing the project as identified in the required study(ies) submitted with the PAD District proposal.

11. Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities as identified in the required study(ies) submitted with the PAD District proposal.

12. A phasing schedule for the following, as applicable.

    a. The preservation of site features established by the PAD District.

    b. The development of the PAD District.

    c. The construction, dedication, and provision of public services.

13. A draft form of financial assurances to be recorded prior to ordinance adoption.

14. Specifications as to how and to what extent the PAD District is to supplement or supersede adopted City zoning regulations.

15. Standards for the interpretation of the PAD District regulations and requirements.

16. Development design guidelines.

17. General landscape program.

18. Drainage plan.

19. A traffic and transportation study which includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development.

20. Impacts on existing structures, roads, and other development.

21. Impacts on existing infrastructure and public services.

22. Location and extent of proposed provisions for sewage disposal, effluent use, stormwater drainage, and utilities.

~~D~~E. Other information as may be determined necessary by the Planning Director.

2.6.3.7 PAD District Implementation and Assurances.

A. *PAD District Implementation.* The implementation of PAD Districts shall be in accordance with the procedures of the *LUC*. PAD Districts may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD District document.

B. *Assurances.* The City may require financial or other assurances in accordance with Development Standard 1-04.0 for any PAD District and any individual phase of a PAD District to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements.

2.6.3.8 Development Plan Approval. No development shall occur within a PAD District unless and until a development plan is approved by the City in accordance with Sec. 5.3.8. The Development Services Director is granted the authority to approve PAD District development plans. (Ord. No. 9967, §2, 7/1/04)

2.6.3.9 Enforcement. Regulations adopted for each District are enforced in the same manner as provided in Article V, Administration, Division 5, of the *LUC*.

2.6.3.10 Interpretation. The Zoning Administrator shall interpret a PAD District per Sec. 1.2.1 and Sec. 23A-31. Interpretations of *LUC* provisions may be applied to similar PAD zone provisions. (Ord. No. 9967, §2, 7/1/04)

2.6.3.11 Amendment Procedures.

A. PAD District amendments shall be in substantial conformance with the objectives of the PAD District and in conformance with Sec. 5.4.3.10. (Ord. No. 9967, §2, 7/1/04).

B. Amendment Application.

1. An amendment to a PAD District may be initiated by the property owner, the owner's agent, or the Mayor and Council upon submittal of a written application to amend one (1) or more of the PAD District regulations.

2. The application shall be accompanied by a statement documenting the need for the amendment.

3. The Development Services Department Director shall determine if the amendment would result in a substantial change in the PAD District. A substantial change is one which: (Ord. No. 9967, §2, 7/1/04)

a. Allows uses not otherwise permitted in the PAD District or a section of the PAD District; or

b. Varies or changes a PAD District policy; or

c. Increases the number of proposed residences per acre by more than ten (10) percent or exceeds the maximum number of dwelling units permitted within the adopted PAD District; or

d. Changes designated buffers or perimeter landscaping, as delineated in the PAD District, which was established to adapt the PAD District to specific site characteristics or mitigate development impacts on the site and surrounding area; or

e. Varies the building height, FARs, lot coverage, or building setbacks by more than ten (10) percent of that delineated in the adopted PAD District; or

f. As a consequence of more than one (1) nonsubstantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD District; or

g. Results in a significant change in pedestrian or traffic circulation within the PAD District or in the surrounding area.

4. If the request is determined to be a substantial change, the Development Services Department Director shall refer the request to the Zoning Examiner (Examiner) for public hearing and recommendation to the Mayor and Council. The procedure for considering the change shall be a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

   a. A substantial change may require, as determined by the Development Services Department Director, submittal of amended items, such as a site analysis. (Ord. No. 9967, §2, 7/1/04)

5. The Development Services Department Director may administratively approve nonsubstantial changes. (Ord. No. 9967, §2, 7/1/04)

6. When requested in writing by the applicant, the Development Services Department Director may authorize a delay in the plan amendment process. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9374, §1, 4/10/00)