



# PLANNING COMMISSION

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

**DATE:** August 20, 2008

**TO:** Planning Commission

*Albert Elias*  
**FROM:** 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 (FLD) is an amendment to and renaming of the Residential Cluster Project (RCP) ordinance. The objectives of the proposed amendments are as follows:

- To make the process and regulations more consistent and predictable;
- To codify the policies and guidelines that staff have developed over the years to address the deficiencies in the RCP ordinance; and,
- To seek more amenities and improvements from projects in exchange for design flexibility.

**Recommendation** · Staff recommends that the Planning Commission set this item for a public hearing in September.

**Background** – The RCP was enacted in the mid-1980's to allow greater flexibility and creativity in the design of residential development than the standard subdivision regulations. Approximately 85% of subdivisions submitted to the City use the RCP development criteria.

In January 2005, the City initiated an infill strategy that included creation of the Neighborhood Preservation Zone ordinance (adopted June 10, 2008) and amendments to the Land Use Code (LUC) regarding Mixed Use development and the RCP (both in progress).

In July 2006, Clarion Associates prepared an analysis of City processes involving mixed use and infill development. The analysis gave recommendations on open space and design issues related to RCPs.

On October 24, 2006, the Mayor and Council amended the RCP 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 2006, staff has continued to work on additional revisions to the RCP. To assist in developing the revisions, City staff worked with an ad hoc committee of developers, consultants, and neighborhood representatives. The most recent ad hoc committee meeting was scheduled for August 12, 2008 to discuss the latest draft. However, the meeting was

canceled due to a lack of attendance by stakeholders who were not also present at the August 6<sup>th</sup> meeting (see below).

City staff met most recently with developer and consultant stakeholders on August 6, 2008 at a meeting organized by the Southern Arizona Home Builders Association (SAHBA). The development community's remaining issues include the functional open space requirements, concern that the new requirements will affect housing affordability and viability of a project, and the perception that the new regulations will lengthen review times and add cost to the project. See Attachment B for a more detailed accounting of stakeholder input and feedback.

City staff also took the proposed amendments to the Planning Commission's Infill Subcommittee for review and recommendation. On July 23, 2008, the Infill Subcommittee forwarded the draft FLD to the Planning Commission for a study session.

**Amendment Summary** – The draft FLD proposes to amend the current ordinance in five significant ways:

1. **Functional open space (Section 3.6.1.5.C; pgs. 9-11)**: Functional open space is active or passive recreational amenities that directly benefit residents of the FLD. Examples of functional open space amenities include trails, playgrounds, picnic areas, and swimming pools.

The RCP ordinance does not require functional open space. Consequently, staff frequently has to negotiate with applicants to provide functional open space amenities.

The Flexible Lot Development proposes to require functional open space of every FLD project. The amount of functional open space required of FLDs 5 acres or less is based on the density of the project. The denser the project, the more functional open space on a per unit basis that would be required. For FLDs more than 5 acres, the amount of functional open space being proposed is 269 square feet per unit. The proposed functional open space requirements are based on service area analysis guidelines found in the City of Tucson's Parks and Recreation Ten-Year Strategic Plan.

2. **Privacy Mitigation (Section 3.6.1.6.A; pg. 12)**: Multi-story projects adjacent to existing single story residences would be required to provide privacy mitigation. Proposed mitigation includes a prohibition from locating balconies and windows (except clerestory) overlooking neighboring properties.
3. **Landscaping (Section 3.6.1.6.B; pg. 12 & 13)**: In addition to the requirements of Section 3.7.0 (Landscaping and Screening Requirements), one canopy tree every 40 feet of pedestrian circulation system would have to be provided. Trees may be redistributed elsewhere on the project site if the 40-foot requirement could not be met.

4. Architectural design requirements (Section 3.6.1.7.B; pgs. 16 & 17): In an effort to prevent monotony in design, architectural variation requirements are proposed that would limit the percentage of units with a garage dominant appearance and would require architectural variation of elevations along arterial and collector roadways.
5. Design Examiner (Section 5.1.12; pgs. 24 & 25): A new position called the Design Examiner is proposed to assist in the review of FLD applications. The Design Examiner's primary review responsibilities would be architectural design plans, privacy mitigation plans, and transition edge treatments. The Design Examiner can be an architect or landscape architect.

### **Other Issues**

Review and approval procedure for FLDs 5 acres or less (Section 3.6.1.4; pg. 5 & Chapter 23A-35; pgs. 21 & 22): A major discussion point throughout staff's discussions with the stakeholder group and the Infill Subcommittee has been the review and approval procedures for FLDs 5 acres or less. As stated above, the RCP ordinance was amended in October 2006 to require a Zoning Examiner public hearing approval of projects 5 acres or less. The current draft FLD maintains this same review and approval procedure.

The developer/consultant stakeholders are opposed to a continuation of the current process on the grounds that it is too time consuming, adds cost to the project, and without certainty. The neighborhood representatives recommend that the current process remain in place until the proposed amendments can be evaluated for their effectiveness in 2 years. Staff expects this issue to be discussed by interested parties during the public hearing.

Attachments:

Attachment A: Proposed text amendment (includes amendments to various sections in the LUC, Chapter 23A-35)

Attachment B: Summary of stakeholder comments on the August 13, 2008 draft.

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