



PLANNING COMMISSION

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

Approved by Planning Commission on September 17, 2008, with corrections (added text in **bold** and deleted text is ~~strikethrough~~.)

Date of Meeting: August 20, 2008

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, August 20, 2008, at 7:04 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:

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| Catherine Applegate Rex, Chair | Member at Large, Ward 5 |
| Eric R. Cheney | Member at Large, Ward 2 |
| Brad Holland, Vice Chair | Member, Ward 6 |
| Rick Lavaty | Member at Large, Ward 1 |
| Joseph Maher, Jr. | Member at Large, Ward 6 |
| Shannon McBride-Olson | Member, Ward 2 |
| Daniel R. Patterson | Member, Ward 5 |
| William Podolsky | Member at Large, Ward 4 |
| James E. Watson (departed at 7:57 p.m.) | Member, Ward 4 |
| Daniel J. Williams | Member, Ward 1 |
| Craig Wissler | Member, Ward 3 |

Absent:

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| Sean Sullivan | Member at Large, Ward 3 |
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Staff Members Present:

Albert Elias, Urban Planning and Design, Director
Jim Mazzocco, Urban Planning and Design, Planning Administrator
Chris Kaselemis, Urban Planning and Design, Planning Administrator
Viola Romero-Wright, Principal Assistant City Attorney
Linus Kafka, Principal Assistant City Attorney
Adam Smith, Urban Planning and Design, Principal Planner
Rebecca Ruopp, Urban Planning and Design, Principal Planner
Irene Ogata, Urban Planning and Design, Urban Landscape Manager
Norma Stevens, Urban Planning and Design, Secretary
Yolanda Lozano, City Clerk's Office, Recording Secretary

2. MINUTES FOR APPROVAL: June 4, 2008

It was moved by Commissioner Williams, duly seconded, and passed by a voice vote of 11 to 0 (Commissioner Sullivan absent), to approve the minutes of June 4, 2008, as presented.

3. JEFFERSON PARK NEIGHBORHOOD PLAN (STUDY SESSION)

Rebecca Ruopp, Urban Planning and Design, Principal Planner, gave a PowerPoint presentation regarding the Jefferson Park Neighborhood Plan. She stated that an updated “draft” Plan was sent to all members since the last Commission meeting the Plan was discussed. She said the boundaries for the Plan were bounded on the north by Grant Road, on the south by Lester Street, on the east by Campbell Avenue and on the west by Euclid Avenue. She said the Plan was a prototype process which was one of two neighborhood plans that Urban Planning and Design (UPD) had undertaken after some years where no plans had been done. UPD had area and neighborhood plans that dated back to the 80’s with some amendments in the early 90’s. She said there were a number of neighborhoods, particularly in the inter-city area, that were interested in doing their own neighborhood plan, if they were in an area plan, and doing something more specific to their neighborhood. She said this was how Jefferson Park and Miramonte were selected as the two neighborhoods that UPD would start with.

Ms. Ruopp stated there were a couple of meetings held to discuss the Plan. One was in February, 2008 and one in August, 2008. She went through the plan process stating that the Kick-off was in March, 2006. She said one of the reasons the project had stretched on so long was because of the Neighborhood Preservation Zone (NPZ) ordinance. Some of the projects slowed down during that time to better understand where the NPZ was going. A 1,000 plus mailing was sent to neighborhood property owners, residents and tenants, outside and inside the Jefferson Park neighborhood. The mailing had an announcement sheet with all the various meetings to be held, a survey, an application to serve on the Steering Committee and a cover letter.

Citizen Steering Committee

- Application Distribution: Mailing, Ward 3, Drachman Institute and City Website.
- Applications Received: 20
- Selection Criteria: Membership in at least one stakeholder category; ability to fulfill role; reasons for wanting to serve
- Selection Committee: Ward 3, UPD, Drachman Institute, and Neighborhood Association President or delegate
- Original Committee Members: 13 (10 residential property, owner-occupied/resident; 3 residential property, absentee-owner/landlord)
- Members Serving Throughout: 9 (7 residential property, owner-occupied/resident; 2 residential property, absentee-owners/landlord)
- Number of Meetings: 13

Public Education, Input, and Review Meetings

- Number of Meetings: 11
- Number of Participants: 150 total sign-ins; largest meeting – 68; smallest meeting – 6
- Notification: Four mailings of 1,000 plus pieces, two 850 plus door knocker hangers; emails to former attendees; handouts at Ward III; website notification; and posters.
- Two landscape design charrettes (workshops)

Plan Implementation

- Neighborhood included in 1989 University Area Plan
- Rezoning
- Residential Cluster Projects
- Vacation of City Property
- Capital Improvement Projects
- Variance request
- Strategic plan to guide Neighborhood physical and organizational improvements

Key Elements

- Vision Statement
- Land Use Goals, Policies and Strategies
- Community Goals, Policies, and Strategies

Definitions

- Vision Statement – a consensus work picture of desired future
- Goals – general definition of the desirable future state of the Neighborhood
- Policies – commitments to the course of action that will lead the Neighborhood toward its goals
- Strategies – available or recommended means for implementation of the policies

Goals

1. Neighborhood Preservation – preserve Jefferson Park’s traditional low-density single family residential character and that all new developments are compatible with existing development. Conversely, insure incompatible development (out-of- scale buildings, mini-dorms, multiple-household parking, and excessive traffic) is prevented.
2. Neighborhood Landscape & Streetscape – enhance the beauty and quality of life for Neighborhood residents by increasing amenities, revitalizing pedestrian and community life, and creating a safe and enjoyable living environment.

3. Development of Community – Create a “sense of community” in Jefferson Park, engaging all residents in a shared and respectful community life, increasing neighborhood safety, stewardship, and stability.

Dyer Lytle, President, Jefferson Park Neighborhood Association, stated he was also the Steering Committee Chairperson. He said they had been working on the process for more than two years. He reiterated that two meetings were held, plus a lot of other general meetings for residents to have input, either by writing down their ideas or sending them via email, so that they would be discussed at the meetings. He said he felt the process had been very open and inclusive and the Committee was very proud of the process. He said the neighborhood, in general, the people who live in the neighborhood in particular, wanted to try to preserve the quality of life they now have and the Plan represented the consolidation of the ideas from the residents in the area.

Mr. Lytle stated that the quality of life had eroded somewhat and the attempt by the neighborhood association to stop the erosion was part of the motivation for the neighborhood plan and the push to get the plan approved and in process. He asked if the Commission had any questions for him.

Commissioner Patterson stated, as a neighborhood president himself, he saluted Mr. Lytle’s efforts on trying to get as many people involved as possible. He asked about the alleys and the desire to keep recycling and trash pickup in the alleys. He asked what would happen, in the near future, if there were residents that wanted to establish greenways in the alleys such as turning them into non-motorized walking areas. He asked if that could be accommodated in the vision of the Plan and how would it jive with the City’s stated desire to move some of the collections out of the alleys.

Mr. Lytle stated, for their part as a committee, they had not considered specifically how the greenways would match with recycling and trash pickup. He said that had not been discussed. Personally, he said he thought it could be accommodated. He said the real question or consideration for the people in the neighborhood was if they wanted the trash cans in the street or the alley. Currently, the alleys are not greenways and would depend on how the greenways would be treated (i.e., paved or compacted granite). In general, he said he would have to reiterate the opinions of the people that came to the meetings which were to have the garbage and recycling collection in the alleys.

Discussion was held on the following items:

- Greenways/Alleyways
- Recycling and Trash Pickups
- O-1 Zoning and C Zoning
- Parking Permits
- Proposed modifications to Grant Road – how Jefferson Park Neighborhood will be affected

Commissioner Williams stated, after the Commission passed the Miramonte Plan on to Mayor and Council, it was his understanding that changes were made to the Plan.

He wanted to know the changes that were made and if the same type of changes would be made to the Jefferson Park Neighborhood Plan. He asked for a copy of the Miramonte Plan and the changes that were made. He also said he noticed that the Jefferson Park Plan had more restrictions than the Land Use Code (LUC) had and if it was acceptable to the neighborhood.

Mr. Elias stated that it was not ideal to make the changes after the Commission deals with it. He said UPD preferred to make changes for the Commission's review, but if changes needed to be made once the Commission acted on it, UPD will provide the Mayor and Council with a red-line version of the document. He said that this was not the goal and that they would do the same with the Planning Commission.

Chair Rex interrupted and stated for the record that Commissioner Watson departed at 7:57 p.m.

Mr. Elias stated that these were policies not regulations and as such were treated differently. A policy was not a regulation, but rather an expression of what came out of the neighborhood planning process.

Viola Romero-Wright, Principal Assistant City Attorney, stated that in the **LUC land use goals policies and strategies section**, which is not even a policy, a paragraph was added in the preference area stating that those were recommendations for **LUC land use** amendments in the future, but there is recognition they are not applicable as **LUC land use** amendments. She said as far as specific plans, state law does allow those types of things to be in a specific plan as informative but not regulatory.

Commissioner Lavaty stated, to understand staff correctly, in the event of a rezoning which conformed to the LUC but not with the neighborhood plan, a plan amendment would not be required of the developer.

Ms. Romero-Wright stated that the planner would be reviewing the specific plan. She said the specific plan was a tie between the general plan and the development proposal. The reviewer would be reviewing, per state law, the development proposal to see if it was consistent with the specific and general plans. She said they would have to be in basic harmony. She said those were the **LUC land use** policies that they would have to be in basic harmony with and that the **LUC land use** policies are delineated separately from what the strategies were. She said as long as the development proposal was consistent with the specific and general plans, there would be no need to amend the specific plan.

Chair Rex asked, as an example, if a house burned down which was 4,000 sq. ft. on a 10,000 sq. ft. lot and the owner wanted to rebuild a 4,000 sq. ft. home, which was more than thirty-five percent, could that be done or would they have to conform to the new strategies.

Ms. Romero-Wright stated that hypotheticals were difficult to give an answer to and could not answer the question. She said it was unique the way the Jefferson Park Plan had strategies, unique to any other plan that was ever seen before. The General Plan

had the policy and supporting policies and actions. She said that the issue was what the policy meant. As far as the law went, it was the overall consistency of the policy. She said the reviewer might be informed by some of the strategies, but it was the policy they were looking for consistency with.

Linus Kafka, Principal Assistant City Attorney, stated more specifically, on page 8 of the plan was the language that recognized some cognition on part of the plan that some strategies were not currently available under the code and gives a recommendation, so that if someone was re-zoning it would inform their decision making.

Commissioner Maher asked if in a rezoning and the future design guidelines, would these elements show up and be enforced.

Mr. Elias stated that all UPD and the Commission could do would be to deal with today's regulations because no one could predict future land use regulations and whether or not dimensional standards were going to be required or simply advisory. He said the point UPD was trying to make was that in reviewing, re-zoning for compliance with the Plan, they would be looking primarily at the policies for consistency. He said if the rezoning is generally consistent with the policies of the plan it would not require an amendment. The other points about things that might occur in the future, or future changes to the LUC, could not be predicted and would not be a plan amendment at this point.

Commissioner Lavaty stated, after two and a half years of work, he wanted to make sure that the chairman of the Steering Committee and Staff were under the same impression that what was put into the strategies of the Plan was not enforceable under the current zoning code in the event of a re-zoning proposal within the neighborhood. He said a lot of time and work had been spent on the Plan and that they were not relying, perhaps to the Committee's detriment, on something that was going to be advisory rather than mandatory.

Mr. Lytle stated they understood completely that this was only advisory. He said originally, when the process was started, the Committee was looking at having the neighborhood plan directly inform the neighborhood protection ordinance.. He said one of the biggest concerns in the neighborhood was the construction of infill that was compatible with the neighborhood. He said, therefore, they were trying to save the neighborhood any way they could and that if this was a step towards possibly a place that has regulatory features, that was the way they wanted to go.

Chair Rex asked if there were any other comments and/or questions. She then asked if the Commission wanted to set the item for public hearing. She also asked staff if they felt it was ready.

Ms. Ruopp stated she felt the Plan was ready for a public hearing and that she tried to characterize some of the concerns that were heard and would probably be the same concerns during the public hearing. She said she felt the Committee and the public involved have done all they could and it needed to move forward.

It was moved by Commissioner Williams, duly seconded by Commissioner McBride-Olson to set the item for public hearing at the September 17, 2008, meeting.

Commissioner Patterson asked staff if this was enough time for full notification of the hearing which was answered affirmatively by staff.

Motion passed by a voice vote of 10 to 0 (Commissioners Sullivan and Watson absent).

Chair Rex announced, while staff was setting up for the next item, she wanted to officially welcome Commissioner Lavaty which she should have done at roll call and the newest Commissioner, Fred Ronstadt, who was in the audience due to not having his paperwork in and complete before the meeting, but would be on board at the September meeting.

4. FLEXIBLE LOT DEVELOPMENT (FLD) LUC AMENDMENT (STUDY SESSION)

Adam Smith, Urban Planning and Design, Principal Planner, gave an overview of the “draft” Flexible Lot Development (FLD). The FLD is an amendment to an existing ordinance, the Residential Cluster Project (RCP), that has been in place since the mid 80’s and provides greater flexibility in designing residential projects in exchange for common open space, architectural design requirements, and enhanced landscaping. It applies not only to infill lots but natural area lots as well. He said approximately eighty-five percent of submittals to the City use the RCP standards.

Mr. Smith stated that the majority of the Commissioners have heard the presentation before since this was the second or third time the FLD had been presented to the Commission, but he wanted to start off from the beginning because there were a couple of new Commissioners and wanted to remind everyone what the City’s rationale was for deciding to amend the RCP over two years ago.

Rationale

- To make the process and regulations more consistent and predictable
- To codify policies and guidelines that staff have developed over the years to address deficiencies in the RCP ordinance
- To get more from projects in exchange for flexibility

Background

- January 2005 – Mayor and Council initiated an infill strategy that included the creation of the Neighborhood Preservation Zone (NPZ) and amendment to the LUC regarding mixed use development and the RCP.
- July 2006 – Clarion Associates prepared analysis of City processes involving mixed use and infill development and included recommendations on RCPs.
- October 2006 – Mayor and Council amended the RCP ordinance to require a Zoning Examiner public hearing for projects five acres or less.

Significant Changes to RCP

- Functional Open Space – Active or passive recreational amenities for use by residents and guests of a residential development, i.e., trails, playgrounds, picnic areas, swimming pools, etc.
- Privacy mitigation – Plan is required to demonstrate that adequate measures are taken to mitigate for neighbor's privacy, i.e., multistory residences adjacent to existing single story residential with R-2 or more restrictive zoning with features that are oriented to overlook side or rear yards of single story residence, including balconies and windows (except clerestory).
- Architectural variation – Projects with 20 plus units, elevations of single-family detached units along collectors and arterials must be architecturally varied. The same elevation cannot be repeated more than every fourth lot and not more than fifty percent of detached residential units throughout the entire project shall be designed with garage dominant appearance.
- Landscaping – One canopy tree every forty feet of pedestrian circulation system; however, if the forty feet could not be met, then the equivalent number of trees would be redistributed throughout the site along other pedestrian circulation systems or functional open space areas.
- Design Examiner – Ordinance proposes a new position to be created with the City that would be an architect or landscape architect, appointed by the Mayor and Council; reviews FLDs for compliance with architectural variation, privacy mitigation, transition edge treatment and other areas as needed; final recommendation forwarded to director of UPD for final consideration.
- Review and approval procedure – no changes being recommended at this time. Infill Subcommittee spent many hours discussing this issue to be re-evaluated in two years.

Stakeholder Feedback

- Five acre and under procedure should remain as-is until it can be re-examined in two years.
- Detention basins should be located within perimeter screening if provided.
- Property owners within three hundred feet and neighborhood association representatives should be notified.

Mr. Smith stated he recently met with the development community at a meeting organized by the Southern Arizona Home Builders Association (SAHBA) and there were five people from SAHBA present. The following is a summary of some of the comments:

- Five acre and under procedure is time consuming and without certainty.
- Too many separate plans and procedures
- Lengthens review time
- Maximum 4:1 slope will result in huge detention basins and take up too much of the site.
- Various amenities required in the ordinance will affect housing affordability and commercial viability of project.

- Previously approved projects should be grandfathered. This is one item staff has agreed on and will be part of the ordinance.

Chair Rex stated Mr. Smith made an excellent presentation and covered lots of territory. She said the Infill Committee had had numerous points of discussion.

Commissioner Podolsky asked for clarification regarding the Design Examiner position. He wanted to know if it was an advisory position only and that in the FLD, the wording, Landscape Architect, should be struck since they are not qualified to review structures.

Mr. Smith answered affirmatively in a sense that the Design Examiner would not make final determinations, but review applications for compliance and forward recommendations to the director of UPD for final determination.

Commissioner Lavaty asked if there was a process for public input or appeal by the applicant or affected neighborhood areas to the director's decision.

Mr. Smith said that currently there was not, but saw one way, particularly with the architectural design and perhaps even the privacy mitigation, where a good place to appeal those decisions would be the Design Review Board.

Commissioner Lavaty stated that made sense, but thought that in the privacy mitigation and design standards there needed to be some form of appeal or public hearing process.

Albert Elias, Urban Planning and Design, Director, stated they would take a look at it. He said he knew the administrative section of the code does have provisions for appealing decisions made by the planning or development services directors and that the same procedures might be able to be used.

Commissioner Williams said that on page 10, top paragraph, it talked about what could be dedicated to the City as far as the amenities in the FLD and detention/retention basins. He said, with this change, as long as there were multi-use concepts it could be dedicated to the City. He asked if this was something the City currently agreed to do.

Mr. Smith stated he could not say for sure and that he would have to speak to someone in the stormwater department to see if this was part of constructing detention/retention basins. He said he would follow up on this.

Commissioner Williams commented on pages 24 and 25 where it talks about the Powers and Duties of the Design Examiner. He suggested adding findings by the Design Examiner to 5.1.12.2, A and B.

Much discussion ensued regarding the following topics:

- Retention/Detention Basins
- Functional Open Space
- Length of time for the process
- Privacy Mitigation

Chair Rex asked if there were any more comments or questions and asked if the Commission wanted to set the item for public hearing or have a meeting to hear from SAHBA and their thoughts.

Commissioner Lavaty said because he was new to the Commission and there was quite a bit of information in the packet that he had not had a chance to review in full, he would like to have additional time and suggested setting the item for public hearing in October.

Chair Rex stated that the FLD LUC Amendment Study Session would be continued to the September meeting.

5. LANDSCAPE CODE AMENDMENT (STUDY SESSION)

Irene Ogata, Urban Planning and Design, Urban Landscape Manager, gave a brief history on the Landscape Code Amendment. She said there were two important adopted policies by Mayor and Council back in 2005 that had to do with the “urban heat island:”

- United Nations Urban Environmental Accords
- Mayor’s Climate Protection Agreement

Ms. Ogata said it had been a little over two years ago when she last presented to the Commission. She said at that time it was called the Urban Landscape Management Plan. She said the Plan was largely to help address the “urban heat island” affects and the city wide landscape plans and trying to coordinate all the departments together.

Ms. Ogata said that earlier when she presented to the Commission, which was earlier in the year, was a continuation of the previous conversation and a change in the title to Urban Landscape Framework. She said that was endorsed by Mayor and Council in March. She said in June, the Sustainability Framework by the Office of Conservation and Sustainable Development was adopted by Mayor and Council.

Ms. Ogata stated that those documents dealt with some codes that would be revisited to make sure the encompassed sustainability as well as mitigation for the “urban heat island”.

Ms. Ogata stated the last time she presented to the Commission there were two elements in the code she said she would bring back. One was the number of trees in the parking lot. Currently the code reads that there should be one tree for every ten spaces and they want to change it to one tree for every four spaces. She said the more urgent issue that has been happening region wide was the buffelgrass issue. She said the element of providing a Buffelgrass Mitigation Plan in the Native Plant Preservation Ordinance was before the Commission.

Ms. Ogata stated there was a third element, that was not directly related to the other two, but has apparently been a condition of rezoning for over ten years and this was the screening wall materials to reflect safe-by-design elements, graffiti-resistant, aesthetic variations and open screening to walls along trails and open space areas.

Discussion was held on the following items:

- Why eradication of buffelgrass was so important
- Urban Heat Island
- 4:1 ratio to the number of trees per parking spaces instead of the 10:1 currently in the code
- Alternatives to the 4:1 ratio such as other vegetation, use of shade from buildings

It was moved by Commissioner Williams, duly seconded by Commissioner Maher to set the item for public hearing at the October 1, 2008, meeting and to include alternative language for screening. Motion passed by a voice vote of 10 to 0 (Commissioners Sullivan and Watson absent).

6. CONFIRM THE ADDITION OF A SEPTEMBER 17, 2008 MEETING

Chair Rex stated that two commissioners, Commissioner Sullivan and Watson, had a conflict with the September 17th meeting. She said, in order to hold the meeting, a quorum must be established which meant at least seven members needed to be present. She then asked the commissioners who would be available to meet and it was decided that a quorum would be established for the September 17th meeting.

7. OTHER BUSINESS

a. Mayor and Council Update

No update to report.

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

Commissioner Patterson asked where the process was on the Certificate of Occupancy Ordinance and it was decided that this item would be placed on the agenda at the next meeting.

c. Update on Water and Wastewater Study Oversight Committee by Planning Commission Members

Update received via written report. No action taken

8. CALL TO THE AUDIENCE - None

9. ADJOURNMENT: 9:38 p.m.