



PLANNING COMMISSION

Department of Planning and Development Services

P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission on
November 4, 2009

Date of Meeting: July 1, 2009

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, July 1, 2009, 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:

Catherine Applegate Rex, Chair	Member at Large, Ward 5
Brad Holland, Vice Chair	Member, Ward 6
Kevin Burke	Member at Large, Ward 3
Rick Lavaty	Member at Large, Ward 1
Joseph Maher, Jr.	Member at Large, Ward 6
Shannon McBride-Olson	Member, Ward 2
William Podolsky	Member at Large, Ward 4
Thomas Saylor-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Mark Mayer	Member, Ward 5
James E. Watson	Member, Ward 4

Staff Members Present:

Ernie Duarte, Planning and Development Services, Director
Jim Mazzocco, Planning and Development Services, Planning Administrator
Linus Kafka, Principal Assistant City Attorney
Tom McMahan, Principal Assistant City Attorney
Joanne Hershenhorn, Planning and Development Services, Lead Planner
Norma Stevens, Planning and Development Services, Secretary
Roseanne Bent, City Clerk's Office, Recording Secretary

Chair Rex announced there were a couple of changes made that affected the Planning Commission; 1) the Development Services Department's name was changed to Planning and Development Services; and 2) Linus Kafka, Principal Assistant City Attorney, was leaving.

Ernie Duarte, Planning and Development Services Director, wished the Commission a "Happy New Year" because it was the first day of the City's fiscal year. He said many changes were made effective that day. He stated he was the former Director of Development Services but was now the Director of Planning and Development Services (PDS). He said the department would continue to provide support for the Commission's work and to expect to see him or Craig Gross, Planning and Development Services, Deputy Director, at all future Planning Commission meetings as well as other staff from PDS. He added he was very excited about the consolidation and what it presented. He said the consolidation was a result of some difficult circumstances. As everyone knew, the City was facing serious financial shortfalls, so the consolidation was an attempt to address them and to take advantage of opportunities for efficiency. He said he was looking forward to bridging the gap that had traditionally existed between implementation of the *Land Use Code* as it related to planning functions and the Development Services Department and felt this change would give his department the opportunity to achieve that. He added, along with the Department changes, Linus Kafka, who had been providing legal advice and support to the Planning Commission for the past two years, was leaving. He said Mr. Kafka was going to Eastern Kentucky University.

Linus Kafka, Principal Assistant City Attorney, stated he would be leaving to greener pastures, literally, in taking a faculty position at Eastern Kentucky University. He said two years ago, when he started supporting the Planning Commission, Commissioner Rex asked if he planned on "sticking" around. He said because he really enjoyed land use law the only thing that could pull him away, although it would never happen, was to be offered a professorship. He stated that was what happened and with profound mixed emotions, he accepted the position in the History Department at Eastern Kentucky University, where he would be the Urban Architectural and Legal Historian. He added it had been a pleasure and honor serving the Planning Commission as their attorney. He stated he had spoken to his successor, Tom McMahon, Principal Assistant City Attorney, who had years of experience in civil law representing government agencies. He said they spoke about the core functions and services of the City and said he thought the most important work the City did was in land use planning. He said Mr. McMahon would take on the role as legal advisor to the Planning Commission and other services in land use planning upholding that belief as well.

Tom McMahon, Principal Assistant City Attorney, stated he had only known Mr. Kafka for a couple of days but it was already apparent he had "big shoes" to fill. He said he was impressed by the important work the Planning Commission did. He stated he had been in State government for fifteen years in Illinois and had been a prosecutor in Tucson for three. He said he looked forward to continuing the work Mr. Kafka had done and to develop relationships with each and everyone serving on the Commission.

Chair Rex welcomed Mr. McMahon and bid farewell to Mr. Kafka. She added she appreciated all the work Mr. Kafka had done. She said the Commission looked forward to working with Mr. McMahon. She added employees from the Planning Department had already physically moved and the organizations had been rearranged.

Jim Mazzocco, Planning and Development Services, Planning Administrator, clarified the department names of Housing and Community Development (HCD) and Planning and Development Services (PDS). He said what happened to the planning department functions was that the *Land Use Code* and plan amendments that go before the Planning Commission would then come out of PDS, the *General Plan* would come out of HCD. He added that the concept of a planning agency, which every jurisdiction in Arizona had, Tucson now had two. One department handled the overall neighborhood plan items and the *General Plan* in HCD with Albert Elias as the Director. The other part, the *Land Use Code* policy development and applications of plan amendments that came before Planning Commission, would be handled by PDS.

2. MINUTES FOR APPROVAL: May 20, 2009

Minutes were not available.

3. GRANT-ALVERNON AREA PLAN AMENDMENT (PA-09-01) (PUBLIC HEARING)

Chair Rex stated she had not received any requests to speak at the Public Hearing so if anyone wanted to speak as part of the public to go ahead and present their card, otherwise, the Commission would proceed with the staff presentation.

There were no speakers.

Joanne Hershenhorn, Planning and Development Services, Lead Planner, stated the applicant was Mike Grassinger of the Planning Center, on behalf of the property owner Abraham Sliaty, Fort Lowell Park, L.L.C. She stated they were seeking to amend the *Grant-Alvernon Area Plan (GAAP)* to allow office use in an area where the current plan only allowed for residential use.

Ms. Hershenhorn stated the site might look familiar to some of the Commissioners because in 2007, the same applicant and staff brought a very similar proposal before them for the parcels south and west of the current amendment site. She said it was the same situation, to amend the *GAAP* to allow office use where currently only residential use was allowed.

Ms. Hershenhorn's Power Point presentation contained the following information:

- A location map of the proposed *GAAP* amendment site;
- The site was a 1.3 acre site that consisted of two parcels;
- It was located on the south side of East Fort Lowell Road, approximately half way between Alvernon Way and Columbus Boulevard.

Ms. Hershenhorn gave some background information in that the Mayor and Council approved the previous *GAAP* amendment in 2007 for the parcels south and west of the current proposed amendment site. She said that over a year ago, the Mayor and Council authorized the rezoning to O-3 on those parcels. She stated the applicant was asking for the same zoning on the current proposed parcel.

Ms. Hershenhorn, in her presentation, displayed various maps that showed the diverse land uses in the area surrounding the proposed amendment site. She then showed the land use map, which indicated the land uses represented by different colors and zoning boundaries shown by heavy dashed lines. She also presented a map that showed a portion of the existing conceptual land use map in the *Grant-Alvernon Area Plan (GAAP)*. She said that that map showed was fairly typical in many parts of the City. At the intersection of Alvernon Way and Fort Lowell Road the land use plan supported commercial, office and high-density residential uses. Other areas on the map indicated low to medium residential, uses and moving away from the intersection there was a transition along Alvernon Way, where the *Plan* supported office and high-density residential uses. Also shown were several ground photos to get a perspective of what the site looked like. She said the photos were taken generally looking south towards the site and a couple of photos were looking towards Fort Lowell Road. She also stated that one photo was taken standing behind the apartment complex looking north towards the site. She continued by providing the following information in the proposed change of land use designation:

Existing (currently):

- High-density residential along Fort Lowell Road on the northern part of the site and low-to medium density along the southern portion of site.

Proposed:

- High density residential and office use on the entire site.

Ms. Hershenhorn also included the following information in her presentation:

Plan Policies:

- *GAAP and General Plan (GP)*
 - compatible development
 - primary access to arterial street
 - screening and buffering
- *GAAP* - development of vacant property
 - stabilize neighborhood edge
- *GP* - quality in design
 - improve visual character and streetscape
 - integrate land uses

Analysis:

- Appropriate transition use
- Compatible with residential uses
- Stabilize, improve neighborhood edge

- Enhanced site and streetscape appearance
- Right of Way dedication along Fort Lowell if rezoned
- Traffic less than commercial or multi-family residential

Recommendation:

- Planning Commission to forward item to the Mayor and Council to amend the conceptual land use map to support office and high-density residential uses on amendment site
- good transition between commercial and office uses to the west and residential to the east
- recognized increasing development pressure
- site could be designed compatibly with adjacent uses, including residential
- improve visual character and address vacant site and vagrancy issues

Ms. Hershenhorn concluded her presentation and stated that the applicant had a presentation he would like to present to the Commission.

Mike Grassinger, The Planning Center, stated he wanted to quickly go through a couple of things and respond to some comments from the last Planning Commission meeting. In his presentation, he showed an aerial map with the existing area plan designations indicating the zoning, which was currently R-3. He said he presented a map at the last meeting, simply to show the preliminary conceptual plan of what he and his client thought they could do with the property. He added it was designed to show what the maximum amount of buildings could be in terms of an office. It was also designed to comply with as much of the policies and direction heard from neighborhood meetings and the earlier plan amendment, which was to move the building as close to Fort Lowell Road as possible to keep the massing along the street and keep the building away from the single-family residential and match the two-story apartment complex. He said one of the questions asked was why the amendment did not tie in to the rest of the proposed office development.

Mr. Grassinger then presented a map of the original site plan which was approved during the rezoning process for the bulk of the property. He said it was very interesting, considering, it was a down economy, that this property at the moment was one of the most sought after properties in town and there were quite a few people bidding on it. He stated that by plugging the property into the other site, it could be seen that there was a little constraint with the connection. He added it had originally been designed as a stand alone residential project because there was a separate buyer, but that fell through. He said another reason was that they felt bringing all the traffic, potentially passing the backyards of the neighboring homes, might not be the best thing, so it was designed in the interim as shown, with one entrance/exit. He said, keeping in mind that the project would still go through the rezoning process where comments would be given by the Police and Fire Departments and more neighborhood input, that would be the time the issue could be resolved, whether to make continuous connection all the way through for vehicular traffic or if it should be an emergency connection for emergency vehicles. He stated his client did not have a preference, but wanted to do what the City said was right for the property. He added there were some other site details that would be taken care of

at the appropriate time. He and his client said they would follow all the requirements that the City had in terms of the development standards.

Chair Rex asked the Commissioners if they had any questions before opening the public hearing.

Commissioner Maher asked the applicant how much square footage the two-story stand alone building had or would have and how much square footage would the buildings in the "L" shape property have as well.

Mr. Grassinger confirmed that it was two stories and would have about fifteen thousand square feet. He added the total square footage of the other buildings in the "L" shaped property would be about eighty-two thousand square feet with some being single-story and some two-story.

Commissioner Maher asked about the mentioned access through the entire "U" property and if there would be enough room to put the gate for the fire department to go through to get to the stand alone.

Mr. Grassinger said he believed so and the buildings were pretty innocuous looking. There was not a whole lot of design involved so the buildings could be shrunk, moved west, or combined to ensure there would be enough room.

Chair Rex asked if there were any other questions or a motion to open the public hearing.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10-0 (Commissioners Mayer and Watson absent), to open the Public Hearing.

Chair Rex stated the Public Hearing was open. She did not have any requests to speak and no one came forward. She asked if there was a motion to close the Public Hearing.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10-0 (Commissioners Mayer and Watson absent), to close the Public Hearing.

Chair Rex stated the Public Hearing was closed and asked if there was any further discussion or a recommendation from the Commission.

Commissioner Williams stated he saw a big draw back in the *GAAP* and could not support it. He stated there was going to be potential of creating a residential complex right in the middle of the potential office zone which he thought was inappropriate planning and felt it needed to have contiguous types of residential zones for planning.

Chair Rex asked staff if they had heard any comments from the property owners of the property affected.

Ms. Hershenhorn stated she had not received any comments or public comments on the previous *Plan* amendment. She said she heard from a couple of residents in Barrio Centro who said they preferred to have offices on the property as compared to apartments, which the current zoning supported. She added, it was basically for some of the same reasons she had previously mentioned, that homeowners of single family residences preferred to have offices rather than apartments next to them, but she had not heard anything on the current amendment.

Commissioner Maher asked the applicant if he could assume that there had been an offer to purchase the apartment complex in the middle, but the owner either wanted too much money or did not want to sell.

Mr. Grassinger stated he could not answer for sure if that offer was ever made and he would have to check with his client. He said, to his knowledge, there had never been an attempt to purchase the apartment building and wanted to add it was a good example of mixed use. He stated he thought the idea that they were providing a buffer between the single-family residences to the east instead of expanding the apartment complex in that direction was what everybody preferred. But again, he did not believe it was creating an island as much as it was mixing the uses in a positive manner.

Commissioner Maher stated he had to agree with Mr. Grassinger on the mixed uses. He said for some reason, because of the Sam Hughes complex, it was somewhat questionable but that was what was going on, the opportunity to work and play and be able to walk to everything. He asked if the offices had potential for medical as well as typical office space.

Mr. Grassinger answered affirmatively and stated most of the interest at that time seemed to be from the medical field.

Commissioner Holland stated he also agreed with Mr. Grassinger and that he was on the *GAAP* Committee when the *Plan* was developed years ago. He said he would share the concerns if the residential complex was not already established. He said he thought, because it was already there and people recognized it as a place to live, when the business interest, went in after the residential was established, it was somehow different than if residential would be inserted in to an established business area. He added there was something about the sequencing and he saw an opportunity for secretaries, nurse's aids, medical technicians or whoever else that might look for a place to live with the ability to go home for lunch or take care of their kids. He said, if the owner of the apartment complex did not sell, from a business stand point, it seemed to him that it would most likely go condominium fast and people would end up buying them to live close to where they worked.

Commissioner McBride-Olsen stated she had a few concerns about the traffic in the area. She said that part of Fort Lowell Road was experiencing more traffic because of Alvernon Way. She said in that particular area there would be more office use than any other component along the middle section of that road, where there was no turn lane available. She said she was concerned because of the heavy traffic on Fort Lowell Road that the entrances to both of the complexes would be dangerous.

Mr. Grassinger stated that in the rezoning of the larger parcel it was required to add a turn lane for the length of the property, which fronts on Fort Lowell Road. He added the apartment complex had already left the necessary area for a right-of-way dedication. The only missing piece was the part being presented that did not have enough right-of-way to dedicate. He said they fully expected, as part of the rezoning, that it would be required to extend the turn lane to the length of the entire property, including where the apartment complex was. He stated he thought that would complete the turn lane for the entire length of Fort Lowell Road and did not know if there was another part of Fort Lowell that did not have a turn lane.

Chair Rex asked the Commissioners if there were any other questions for staff or the applicant. Hearing none, she asked if there was a motion.

It was moved by Commissioner Lavaty, duly seconded, to forward the item with findings and recommendation for approval by the Mayor and Council.

Commissioner Lavaty stated the findings that would be associated with the motion included the use of the property as well as the earlier *Plan* amendment and the current existing O-3 zoning as a transition between the commercial and high density residential to the east and lower density to the west of that site. He said it was entirely likely, as the property built out, that they will be able to complete the traffic improvements along Fort Lowell Road to ease the traffic flow.

Chair Rex stated she wanted to make a friendly amendment to the motion. She said as part of the *General Plan* to promote and improve existing infrastructure, pedestrian activity and transit use, the *Plan* was a good example of infill. She asked if the motion maker and the seconder accepted her friendly amendment and both responded affirmatively.

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

Upon roll call, the results were:

Aye: Commissioners Burke, Lavaty, Maher, McBride-Olsen, Podolsky, Saylor-Brown, and Wissler, Vice Chair Holland and Chair Rex

Nay: Commissioner Williams

Absent/Excused: Commissioners Mayer and Watson.

Motion to forward the *Grant-Alvernon Area Plan Amendment* with findings and a recommendation for approval to the Mayor and Council was passed by a roll call vote of 9 to 1.

4. OTHER BUSINESS

a. Mayor and Council Update

Jim Mazzocco, Planning and Development Services, Planning Administrator, gave an update on a couple of items the Commission had looked at in the past. He said staff was holding on to the Infill Incentive District (IID) Modification Development Requirement (MDR) until another item came forward to the Commission so that staff could present both items to the Mayor and Council together, which was what the Mayor and Council had requested.

Mr. Mazzocco said the second item was the rezoning of the Feldman's Neighborhood to a Neighborhood Preservation Zone (NPZ). Staff hoped to present this item to the Zoning Examiner sometime in August and if all went well both items would be presented to the Mayor and Council in late September. He said if the Zoning Examiner continued the NPZ, the items would not be presented until October.

Mr. Mazzocco also updated the Commission stating that the Mayor and Council had initiated a recommendation for Jefferson Park as a NPZ as well. He said staff would be starting that project as soon as the Feldman's NPZ was approved by the Mayor and Council in September or October.

Commissioner Maher asked what the schedule was for the Design Manual and asked if the rezoning needed the Design Guideline at the same time.

Mr. Mazzocco stated the Design Manual was on the Department's website and if staff had not sent it to the Commission he would make certain the link was provided. He said a committee was formed in 2007 or in late 2006, called the NPZ Committee, in which staff had sent information to ask members for their comments, as well as the link to the IID. He said he would send the comments to the Commissioners for their review. He added the rezoning needed the guidelines at the same time and they would have them. He said it was progressing and when staff sent their report on Feldman's they would also attach the Design Manual, which was looked at by a committee formed in the Feldman's Neighborhood. He said the Committee reviewed the manual and it reflected a lot of their input but there was still opposition on some issues. The development community felt the Design Manual should just be a guideline. The neighbors felt it should have 3 parts; regulatory, guideline and incentive. He said this was what it was starting to look like, but the final combination would have to be determined by the Mayor and Council in September or October.

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

Chair Rex stated there were two information items for the August meeting; *Land Use Code* simplification project and update on the *Parking Code* revisions. She said there was the possibility of moving the items to the September meeting if no

other items were scheduled for the August meeting, staff felt the two items could wait until September.

Commissioner Williams stated he thought it was a good idea, if no other items were on the agenda, to cancel the August meeting and schedule the items on the September meeting.

Chair Rex stated, if there was no opposition, the Commission would be notified if that was the case. She said another future agenda item was for the Commission to receive an update on the *General Plan*, which was due in 2010. She added it was not a burning item but thought it was time for another update.

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

Commissioner Sayler-Brown stated he had not attended all of the meetings and suggested to the Commission that they read through the Executive Summary prepared by the committee. He stated he missed the last meeting when the committee had a paper written by Stantec and Curtis Leuick that actually talked about planning issues. He said it was a very well written document and unfortunately he was not there and did not know how it went at the meeting.

Commissioner Maher stated he was not an official member of the Committee but had attended the meeting. He said the document presented at the meeting, which he had not read, was located online and really hit the heart on a lot of the issues the Committee was focusing on. He stated that one of the things the Committee seemed to have been suggesting was that the future of the desert, which was already obvious, depended on water and the managing of growth or managing of planning with the water supply. He added that he learned some very interesting things from attending the meeting and said he thought the Committee had some very sharp people serving on it.

Chair Rex asked staff if they could please forward the link to the report by Stantec to the Commission to review.

5. CALL TO THE AUDIENCE

None

6. ADJOURNMENT – 7:52 p.m.