



PLANNING COMMISSION

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

Approved by Planning Commission on
May 20, 2009 with corrections.

Date of Meeting: April 15, 2009

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, April 15, 2009, at 7:06 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
Thomas Saylor-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Mark Mayer	Member, Ward 5
William Podolsky	Member at Large, Ward 4
James E. Watson	Member, Ward 4

Staff Members Present:

Albert Elias, Urban Planning and Design, Director
Jim Mazzocco, Urban Planning and Design, Planning Administrator
Linus Kafka, Principal Assistant City Attorney
Adam Smith, Urban Planning and Design, Principal Planner
Norma Stevens, Urban Planning and Design, Secretary
Yolanda Lozano, City Clerk's Office, Recording Secretary

2. MINUTES FOR APPROVAL: February 18, 2009

It was moved by Commissioner Lavaty, duly seconded, and passed by a voice vote of 9 to 0 (Commissioners Mayer, Podolsky and Watson absent) to approve the February 18, 2009, minutes as submitted.

3. MINUTES FOR APPROVAL: March 4, 2009

It was moved by Commissioner McBride-Olson, duly seconded, and passed by a voice vote of 9 to 0 (Commissioners Mayer, Podolsky and Watson absent) to approve the March 4, 2009, minutes with the following corrections:

1. Page 17, ninth paragraph, insert the word Assistant after Principal.
2. Page 25, Item #5, first paragraph, insert the word not after would and too after spend.

4. REPORT ON THE DOWNTOWN OVERLAY ZONES (INFORMATION)

Adam Smith, Urban Planning and Design, Principal Planner, stated the report on downtown overlays was at the request of the Infill Subcommittee. He said they wanted more information on overlays and policies affecting the downtown area and stated his presentation would serve as a lead into the two study session items on the evening's agenda; Downtown Area Infill Incentive District the Planned Area Development Ordinance. He presented and discussed the following items:

Policies and Regulations Affecting Downtown Development

- Infill Incentive District (currently a policy area, proposed to become an overlay zone)
- Neighborhood & Redevelopment Plans (rezoning policy)
- Overlay Zones (prescribes special regulations that apply to an area in combination with underlying zoning)
- Planned Area Development (zoning district)

Downtown Area Infill Incentive District (IID)

- State statute allows local jurisdictions to establish infill incentive districts to facilitate reinvestment in distressed areas.
- Allows expedited review and processing procedures, fee waivers, and relief from "development standards," implemented through development agreements and amendments to the *Land Use Code (LUC)*.
- Mayor & Council adopted IID as a policy area on 10/24/06.
- IID Plan includes goals addressing barriers to development and creating a pedestrian environment with a mix of well-designed land uses.

Mr. Smith stated the IID covered the downtown area and very generally extended north along Oracle Road and Stone Avenue, south along Sixth Avenue, and west of the

freeway into the Menlo Park area. He stated there were findings for the IID and could not be created where ever the City liked, as well as, criteria established by State statutes.

Findings for the IID

- Higher vacancy rates
- Generally older housing
- Original quality of contraction and current condition of buildings are of poorer quality
- Census data shows declining population within the area

Mr. Smith reviewed two maps of the IID. The first showed the six neighborhoods and redevelopment plans. He said the redevelopment plans were developed largely as set-ups for Planned Area Developments (PADs), some of which were followed through and PADs were created. He stated many were over twenty-five years old established in the late seventies and early eighties and included the *El Centro Redevelopment Plan*, *El Presidio Neighborhood Plan* and the *Rio Nuevo-Downtown West Component Redevelopment Plan*. Also, in the map, Mr. Smith included the boundaries of the IID so that the Commissioners could see where the plans were relative to the IID boundaries.

Mr. Smith stated in the second map were the zoning overlays for the IID. He said there were two in the downtown area; the Downtown Redevelopment District and the Rio Nuevo-Downtown District (RND).

Rio Nuevo and Downtown Zone

1. Requires design review for compatibility and transitions
2. 2006 text amendment allowed for modifications to:
 - development criteria (e.g., setbacks & height),
 - parking
 - loading
 - landscaping and screening

Rio Nuevo District Modification of Development Regulations (MDRs):

Four projects were granted RND MDRs: The Post, Tiberon Condo Conversion, One North Fifth, and the MacArthur Building. These requests included:

- parking (number of spaces, type, & dimensional standards)
- reduction in number of loading spaces
- increased lot coverage
- location of solid waste collection receptacles.

Downtown Redevelopment District (DRD)

1. Only applies to parking and is located in the parking code within the *LUC*.

2. Requirements include:
 - a. Reduced parking formulas:
 - Office use = 1/400 (office less than 500,000 sq. ft.)
 - Office use = 1/500 (office above 500,000 sq. ft.)
 - Other uses = 1/300
 - b. Reduced parking regulations for expansions to existing development
 - c. In-lieu parking fees deposited into a City's Downtown Parking Facilities fund, however, to date, no fees have been collected
 - d. New parking facilities shall be designed so that vehicles are not visible from the street

Mr. Smith concluded his presentation with the fourth category he wanted to discuss which were the Planned Area Developments (PADs), five total, but corrections/modifications were made to the following:

- El Mirador project
- La Entrada
- Menlo Park Mercado District

Mr. Smith said these PADs had specific regulations set-up just for their areas within their boundaries.

Other items of discussion by Staff and Commissioner Members were:

- success of existing overlay zones
- parking allowed by the DRD
- parking incentives
- ParkWise
- use of "grouping" for parking options similar to Mill Avenue in Tempe
- importance of comprehensive planning by the City
- one overlay vs a number of overlays in the downtown area

5. AMENDMENT TO THE CITY OF TUCSON'S LAND USE CODE (LUC) CREATING THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT MODIFICATION OF DEVELOPMENT REGULATIONS PROCESS (STUDY SESSION)

Adam Smith, Urban Planning and Design, Principal Planner, stated staff was directed by the Mayor and Council on October 7, 2008, to initiate a text amendment permitting a modification of development regulations (MDR) within the Downtown Infill Incentive District (IID) addressing relief to development standards and to return with a draft amendment in one hundred and eighty days for consideration and adoption. He stated staff was a little behind on the hundred and eighty days, but would be there soon.

Mr. Smith reviewed another map showing a slightly different view of the IID from what was presented earlier in the evening. He said the boundaries were the same, but this particular map showed the different zonings in the area which were grouped into

some major categories such as residential, office, commercial, and so on. He said the IID was a largely commercial and industrial district or non-residential.

Mr. Smith reviewed with the Commissioners the following items:

Purpose

To implement the policies of the Downtown Area IID to include:

- Encouraging creation of urban neighborhoods that are pedestrian- and transit-oriented
- Addressing barriers to infill development
- Permitting a Modification of Development Regulations (MDR)

Stakeholder Process

Staff met with the following groups to discuss early drafts of the IID:

- Neighborhood representatives
- Infill developers
- *Land Use Code (LUC)* Committee
- Infill Subcommittee

Stakeholder Influence on the Current Draft

Changes made to the draft were based on stakeholder recommendations and included:

- Revising parking standards
- Reconsidering earlier resource conservation standards that were more restrictive than the *LUC's*
- Expanding Development Transition standards affecting neighborhoods
- Revising review and approval process to include neighborhood meetings, public notices, and public hearings

IID-MDR's Affected Development Regulations

Modification of the following regulations:

- Dimensional/spatial regulations (i.e. setbacks, height, floor to area ratios, lot coverage, density)
- Parking - number of spaces
- Loading zones - number, size & location
- Landscaping & screening
- Solid waste collection

IID-MDR Specifics

Development regulations may be modified by twenty-five percent with the following exceptions:

- Building height may be up to 60 feet unless zoning permits more;
- Distance requirement between the building and street may be reduced or waived;
- Parking as provided by recent Parking Reduction text amendments and DRD; and,
- Number of loading zones required may be reduced or waived.
- Access, location, and type of solid waste collection may be modified

Streetscape Element

The applicant must create a pedestrian-oriented streetscape by including improvements or address the following:

- Pedestrian proximity to buildings
- Pedestrian amenities
- Appropriate sidewalk width
- Shade for pedestrians

Mr. Smith shared with the Commission, pictures of the types of developments staff was encouraging within the IID. He said they hoped to have structures built up to the street which created visual interest and engaged pedestrians. He stated wider sidewalks were more pedestrian friendly and allowed space for landscaping, patio dining, and greater ease of flow for pedestrians.

Mr. Smith stated every MDR request was required to provide a Development Transition Requirement. He said this was required when the project was adjacent to existing residential development and the project must provide privacy mitigation and include design features that were compatible with the scale and form of the lower density development. He stated this was similar to the Flexible Lot Development (FLD) which was approved a few months ago, where it would prohibit windows or balconies that directly overlooked an adjacent property owner's yard.

Findings

An MDR shall be approved only if the resulting project:

- Benefits the surrounding area consistent with the goals of the IID Plan
- Has no significant adverse effect on adjacent properties
- Effectively implements streetscape design best practices
- Is in a form and scale consistent with urban surroundings
- Will not cause excessive drive through traffic or habitual parking within the residential neighborhood (for reduction in parking requests)

Mr. Smith stated every MDR would go through a review and approval process, the same process approved for C-1 liquor license mitigation plans and FLDs as follows:

- Pre-application conference with City staff
- Applicant to notify and meet with the neighborhoods
- Applicant submits an application
- Applicant notifies neighborhoods that an application had been submitted for that site
- Staff Review process
- Recommendation forward to the Director and Director makes a decision
- Within three days, the Director's decision is noticed to the same property owners and neighborhood associations previously notified by the applicant
- Director's decision can be appealed to the Mayor and Council

Next Steps

- Public hearing before the Planning Commission in May 2009
- Public hearing for consideration by the Mayor and Council in July or August 2009

Jim Mazzocco, Urban Planning and Design, Planning Administrator, stated as previously discussed, May 20th would be the date for the public hearing. He said there were approximately five thousand plus properties within the IID or about a thirty-three hundred mailing that would need to be sent.

Chair Rex stated that the Commission needed to be sure there was a quorum for the May meeting.

Discussion ensued regarding the following:

- Effect of right-of-way widenings on projects permitted to reduce street perimeter yard setback.
- Procedure when concurrently processing a rezoning and an MDR request
- Creating a mechanism for concurrent processing of MDR requests and development plans
- The Downtown area has numerous overlays. By which standards are MDRs reviewed? Can one overlay override another overlay? Can an IID MDR be requested in conjunction with an RND MDR?
- Section 2.8.12.5.B (Development Transition Element) – 1) Re-order the provisions to in hierarchical order; 2) Clarify the provision regarding the scale and height of structures adjacent to residential [NOTE: The Planning Commission recommended the rewording provided by Commissioner ~~Saylor-Brown~~ **Williams**]; and, 3) Revise draft to require landscaping transitions.
- 2.8.12.5.A.1.a – Pedestrian-oriented streetscape using documented best urban design – What was meant by best urban design?
- 2.8.12.5.A.2.a (Optional Streetscape Elements) – clarify whether shading & landscaping is required or optional

Chair Rex thanked Mr. Smith and stated he had done an amazing job, working through the Infill Committee and through endless iterations to come up with what the Commissioners had before them regarding the IID-MDR. She said there had been a lot of go rounds to come to this point and felt it had been distilled from many different angles.

It was moved by Commissioner Sayler-Brown, duly seconded and passed by a voice vote of 9 to 0 (Commissioners Mayer, Podolsky, and Watson absent) to set the item for public hearing at the May 20, 2009, meeting of the Planning Commission.

6. CITY OF TUCSON'S LAND USE CODE (LUC) AMENDMENT TO THE PLANNED AREA DEVELOPMENT ORDINANCE (STUDY SESSION)

Adam Smith, Urban Planning and Design, Principal Planner, stated the amendment to the Planned Area Development (PAD) Ordinance was a companion to the Infill Incentive District.

Background

- involved an area for which a comprehensive zoning plan had been repaired indicating potential sub-areas, the permitted uses, and development regulations
- used when existing zones are too cumbersome to create a more comprehensive development scheme
- established through a rezoning legislative process which included public participation

Purpose for PAD Amendments

- Implements the policies of the Downtown Area Infill Incentive District Plan
- Creates a tool the City can use to implement such urban design plans as the Downtown Links plan

Proposed PAD Amendments

Current draft proposes amendments in three areas:

- Exempts projects within the IID from the 40-acre minimum site area requirement (Sec. 2.6.3.5.B)
- Allows modifications to certain submittal requirements for projects within the IID (Sec. 2.6.3.6.A)
- Clarifies that PADs can include existing rights-of-way (Sec. 2.6.3.5.C)

PADs Initiated by the Mayor and Council

- Current draft states “[t]he site is under single ownership or control except when initiated by the Mayor and Council with the approval of all affected property owners.”
- Staff recommends deleting the phrase “with the approval of all affected property owners.”
- Rationale:
 - The phrase essentially means ‘single control’
 - M&C can initiate non-PAD rezonings w/out ‘single control’
 - Legislative process can address protesters’ concerns including keeping the underlying zoning as an option
 - M&C initiated PADs can allow a PAD overlay option, a potential Form Based Code district and the implementation of an urban design plan

Next Steps

- Public hearing at the Planning Commission meeting in May 2009
- Public hearing and consideration by the Mayor and Council in June 2009

Commissioner Saylor-Brown said there was a statement in the document that he was bothered by. It was the statement that said “with the approval of all affected property owners.” He said he supported taking that verbiage out and felt that property owners had plenty of opportunities to give input about what was going on without the added verbiage.

Discussion continued between staff and Commission Members regarding PADs, re-zonings, and a comprehensive planned urban design area.

It was moved by Commissioner Saylor-Brown, duly seconded, and passed by a voice vote of 9 to 0 (Commissioners Mayer, Podolsky and Watson absent) to set the item for public hearing with the removal of the statement as recommended by staff at the May 20, 2009, Planning Commission meeting.

8. OTHER BUSINESS

a. Mayor and Council Update

Jim Mazzocco, Urban Planning and Design, Planning Administrator, stated the Parking Reduction Text Amendments approved by the Commission were scheduled for a public hearing at the Mayor and Council meeting on May 5, 2009.

Mr. Mazzocco said there was one change to what the Commission had approved in the parking formula under the provision of the three to one thousand parking formula for use by existing developments with the exception of religious uses.

Mr. Mazzocco stated staff added one more use, Personal Services, which included uses such as barber shops, nails and hair salons, dry cleaners, and day spas. He said currently those uses were a one to one hundred parking intensity and after talking with Development Services Department (DSD) that particular group of uses was a problem for DSD in that the formula was too intense for that type of use and putting it into the exception category of three to one thousand was probably a more rational intensity formula for that type of use.

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

None

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

Commissioner Sayler-Brown stated he was now the representative from the Planning Commission to serve on the Water and Wastewater Study Oversight Committee. He said he had attended the last meeting, but was not officially on the committee at the time of the meeting to be able to participate. He stated he would not be available to attend the next two meetings due to other commitments.

Chair Rex stated it would be helpful if any other Commissioners were available to attend the next two meetings to bring back information and/or feedback to the Commission.

9. CALL TO THE AUDIENCE

None

10. ADJOURNMENT – 8:34 p.m.