



PLANNING COMMISSION

Department of Planning and Development Services P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission
June 2, 2010

Date of Meeting: April 7, 2010

The meeting of the City of Tucson Planning Commission was called to order by Shannon McBride-Olson, Vice Chair, on Wednesday, April 7, 2010, at 6:07 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:

Shannon McBride-Olson, Vice Chair	Member, Ward 2
Ralph Armenta	Member, Ward 5
Steven Eddy	Member, Ward 6
Joseph Maher	Member at Large, Ward 3
Rich Michal	Member at Large, Ward 6
William Podolsky	Member at Large, Ward 4
Catherine Applegate-Rex	Member at Large, Ward 5
Thomas Sayler-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Rick Lavaty, Chair	Member at Large, Ward 1
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Staff Members Present:

Ernie Duarte, Planning and Development Services Department, Director
Craig Gross, Planning and Development Services Department, Deputy Director
Jim Mazzocco, Planning and Development Services Department, Planning Administrator
Glenn Moyer, Planning and Development Services Department, Planning Administrator
Adam Smith, Planning and Development Services Department, Principal Planner
Bill Balak, Planning and Development Services Department, Principal Planner
Russlyn Wells, Planning and Development Services Department, Lead Planner
Patricia Gehlen, Planning and Development Services Department, Section Manager
Erin Morris, Planning and Development Services Department, Project Coordinator
Ceci Sotomayor, City Clerk's Office, Secretary

Vice Chair McBride-Olson introduced and welcomed the new Planning Commission members: Ralph Armenta, Steven Eddy, and Rich Michal.

2. **MINUTES FOR APPROVAL: MARCH 3, 2010**

It was moved by Commissioner Rex, duly seconded, and carried by a voice vote of 10 to 0 (Chair Lavaty absent), to approve the March 3, 2010 minutes with the following corrections.

- Page 10, 2nd Paragraph, 7th line, beginning with “He said there was an engineer...” There was a question on the wording. After rehearing taped minutes, sentence will not change.
- Item 3, items referring to the presentation, the name of “Mr. Duarte” should be changed to Mr. Glock.
- Page 11, 1st paragraph, 11th line, change “hose” to “those.”
- Page 11, 7th paragraph, 5th line, change “loosing” to “losing.”
- Page 12, 6th paragraph, 5th line, change “She” to “He.”
- Page 14, 1st paragraph, 2nd line, change “land fields” to “landfills” and “ground fields” to “brown fields.”
- Page 14, 6th paragraph, 1st line, Bruce Plenk correct title should be General Services Solar Energy Coordinator.
- Page 15, 5th paragraph, 4th line, change “airplane propeller-testing labs” to wind generation-testing labs.”
- Page 16, 4th paragraph, 8th line, change “disturbing Tucson Electric” to “distributed through Tucson Electric.”
- Page 16, 2nd paragraph, 5th line, insert a period at the end of the line.

3. **LAND USE CODE AMENDMENT RELATING TO RENEWABLE ENERGY GENERATION**

Craig Gross, Planning and Development Services Department, Deputy Director said his presentation was about the proposed *Land Use Code* (LUC) amendment relating to Renewable Energy Generation. This issue came before the Planning Commission last month just as a general information item. On February 17, 2010, the Mayor and Council directed staff to prepare a *Land Use Code* amendment to address Renewable Energy Generation. He said the amendment added a new land use class for Renewable Energy Generation to the Utilities Use Group in Article II Divisions 2-7 for each zone providing new regulations and review processes. He added the amendment also provided a new definition for Renewable Energy Generation in Article VI Definitions, Division 3, Land Use Groups of new Performance Criteria (3.5.11.2) for Renewable Energy Generation in Article III Development Regulations, Division 5 Performance Criteria. Development Designator “38” was being proposed for all zones which required no minimum site size, no lot coverage, 75 percent floor ratio, a maximum height of sixteen (16) feet, and a building setback “BB.” No specific parking requirement was dictated.

Mr. Gross said staff's recommendation was for the Planning Commission to set this text amendment for public hearing on May 5, 2010. The Mayor and Council wanted this item to return to them no later than June 2010.

Mr. Gross reviewed some background information for those Commissioners that were not present at the last meeting. He said the *Land Use Code* (LUC) currently allowed a generating system for the production of energy in the I-2 Industrial zone. The assumption was made that a typical coal or gas fired energy generating system would be considered detrimental to adjacent commercial and residential development. It did not address alternate systems such as solar power that could possibly be compatible with adjacent commercial and residential development. The local restriction to the I-2 zone resulted in the inability to allow opportunities for redevelopment of large non-developable parcels currently within the City such as landfills, Brownfields, and certain floodplain areas.

Mr. Gross said the proposed amendment allowed Renewable Energy Generation in the Industrial Zones as a Permitted Land Use subject to compliance with certain Performance Criteria, in the Commercial and Office Zones with a Limited Notice Procedure subject to compliance with certain Performance Criteria, and in Residential Zones with a Full Notice Special Exception Land Use procedure. Specific zoning categories such as Rural Village Zone (RVC), Neighborhood Commercial Zone (NC), Parking Zone (P), Recreational Vehicle Zone (RV), Planned Area Development Zone (PAD), Planned Community Development Zone (PCD), and Open Space Zone (OS) were exempted from the ordinance.

Mr. Gross said the listing of the changes in all the zones was in the Commissioner's packets. He said he wanted to clarify the question that was brought up regarding the Performance Criteria. In each zone there was a procedure and Performance Criteria that went along with it. The Performance Criteria "D" said that the use may not include a service or storage yard. He clarified that this was an open storage and not a building. There was no restriction in this proposal not to allow buildings. For instance, if one needed a small storage shed, they would simply need to meet the setbacks in height and requirements. If one actually wanted to build a larger building, then a permit would be required and would be part of the approval. He said the concern was that service and storage yards adjacent to residential and office development, could be very noisy, detrimental, and not appropriate at that time.

Mr. Gross said, although the proposal restricted service and storage yards in commercial zones (C-1, C-2, and C-3), the second change that could be done would be to remove the statement from a Performance Criteria that required a decision from the Department Director. It would then become a situational requirement, where in some locations, a service or storage yard would not be bad and in other locations it would be bad. It would also become an approval process rather than a strict prohibition.

Commissioner Williams noticed in the Performance Criteria, heights were not mentioned and allowed in residential zones. It would be appropriate to address heights because there was already wording in the *Land Use Code* in regards to not blocking views or incoming light.

Mr. Gross said Commissioner Williams was correct. All those were Development Designator "38" which had a maximum height restriction of sixteen feet. That was basically to the pivot point of a movable array and the height was well within the allowances of what they would be used for. He said none would ever be over sixteen feet tall and there would also be setbacks from the property line.

Commissioner Williams asked specifically about the R-1 or R-2 zones that had limited setbacks included. He said that could be a problem.

Mr. Gross stated, within the Performance Criteria, there was a setback of the facility that included walls and equipment with a minimum of twenty-feet from any adjacent residential zone. He said at the Commissioner's pleasure or discretion, it could be increased if necessary. There was a twenty-foot set minimum setback and a sixteen-foot maximum height that was built into the Development Designator.

Commissioner Williams said he would have to do some calculation of angles but it sounded reasonable.

Commissioner Eddy questioned when the height consultations were done, if Tucson Electric Power (TEP) or any other utility contractor was consulted.

Mr. Gross answered affirmatively. Staff had been talking with TEP and several of the potential developers who were interested in this type of commercial use, as well as, several of the manufacturers of those products.

Commissioner Michal said he was confused regarding Section (6.3.12.3) which included definitions of Renewable Energy Generation for natural gases. He asked if that was methane gas capture.

Mr. Gross answered affirmatively. He said staff tried to write the definition in a reasonably general manner so as not to change the definition two or three years down the road when something new developed that was not thought of previously. He said staff tried to keep it in that type of general area. He said the use would be methane for energy generation and also include geo-thermal or wind power. He stated it was likely there were some new wind generators coming out that were small and efficient, and several years from now, who knew what we would see. He said he did not want to come back to change little things.

Commissioner Sayler-Brown asked why this was not allowed in the Rural Village Zones, Parking Zones, or Recreational Vehicle Zones.

Mr. Gross said the reason this was excluded from those zones was because they were not original City zones, they were all rezoning sites and there were very few out there. For instance, the RV zones were limited in number and the City would like to keep them in the RV site. If there was an interest to change one to an RV zone, it would require a rezoning. He said others like the Planned Area Development (PAD) and the Planned Community did not specifically relate to it and as the Planned Area Development was being drafted, one could write this into the document specifically for

that. While it did not list specific guidelines in this ordinance and in certain instances, it did not preclude the opportunity to be written into the PAD.

Commissioner Rex referred to the first page and asked how the seventy-five percent floor area ratio would be calculated. She asked if it would be from the columns or from the horizontal service of the array.

Mr. Gross said one of the problems that developed when trying to utilize something that already existed, was trying not to recreate the wheel because sometimes glitches happened. In something like a Renewable Energy Generation, there was nothing that was classified as floor area ratio unless they built a building. The solar arrays would not be classified under floor area ratio. He said he tried not to add more items to the Code or add a new Development Designator. He tried to use one that already existed and this was the one that was closest. He said in reality, if something new was created, it would have a zero floor area ratio because no floor ratio was involved. This did not have a lot of coverage which made it easier to work with. He said if they had gone with one that had a lot coverage, it might have created future problems.

Commissioner Rex asked if this only applied to buildings on the property.

Mr. Gross said that was correct.

Commissioner Rex asked about the excluded zones on page two, and if excluded parking zones were mentioned. She said she understood the commentary about not having very many of those, but she saw them as being a compatible use.

Mr. Gross advised they could add that into the "P" zone and it would not be a difficult thing to do. Again the "P" zone was strictly a zone created via a rezoning. He said they did not see it as having very much availability, but if the Commission felt it would be helpful, then Staff could certainly add it into the "P" zone.

Commissioner Rex said she wanted to suggest that. She said, regarding his direction in adding in the commercial zones, it was her understanding the minimum zoning for a construction yard was C-2. She asked what the classification was regarding construction yards, so that there would be compatibility.

Mr. Gross said the first zone that typically allowed any kind of outside storage or display was the C-2 zone. Under certain circumstances, the C-2 and C-3 zones allowed the outside storage.

Commissioner Rex said she was trying to discern whether or not to have the director allow all the commercial zones as appropriate or just under C-2 or C-3 zones, so the director would not have to make the final decision. She asked Mr. Gross to comment on the pros and cons of that statement.

Mr. Gross said the Performance Criteria which was currently in commercial zones, stated there were no service yards or service facilities. If it was taken out as a Performance Criteria, that would preclude it from having the opportunity in certain

circumstances. He said this was a director's decision, which would be based on neighborhoods and the surrounding areas. He stated, by taking it out from the commercial zones, this would probably make it a little more flexible. In some instances, a service yard or a storage yard would not be compatible with the surrounding developments and in other instances they would be. He repeated it would just add more flexibility. He said if the neighbors and homeowners were adverse on having a service yard, the director could place a condition that would not allow them.

Commissioner Rex asked if it could just be stated in the document that in all commercial zones, service yards would be the determination of the director.

Mr. Gross replied that a change would be made in the commercial zones. He said in the document where it referred to renewable energy, subject to Sec. 3.5.11.2 B, C, D, and E, staff would remove item D from the list. It would then read, subject to: Sec. 3.5.11.2 B, C, and E. He added there would be no specific prohibition in those zones for storage yards but could be put in as a condition of approval if it became a "make or break deal" with the neighbors or adjacent property owners.

Commissioner Rex asked Mr. Duarte if he had any comments.

Ernie Duarte, Planning and Development Services Director, said he would defer to Mr. Gross because he was the expert in this.

Vice Chair McBride-Olson asked if there were any further comments.

Commissioner Rex commented on the definition in Sec. 6.3.12.3 which was previously discussed. She said the definition was, "a principal use producing commercial power." She asked if private power was covered, and what would happen if the word "commercial" was removed.

Mr. Gross said removing the word "commercial" could be done. He stated this was directed to the commercial types of uses and accessory uses were allowed in the Code as they were. He added there were already portions in the Code that allowed for things such as height exemptions for adding solar power to existing buildings and this was set up for being the absolute, the principal use of the property, which was production of generation of energy.

Commissioner Rex asked if this was left in the amendment, would other uses come under the accessory use which did not have the restriction of the Development Designator "38" or the Performance Criteria, other than those appointed by the primary use.

Mr. Gross agreed. He said it would be covered under the principal use with the height and included the prohibition of effecting adjacent property, which were already covered under the Code for an accessory use.

Commissioner Eddy asked if there were any uses in the *Land Use Code* that addressed glare or heat performance standard.

Mr. Gross said the *Land Use Code* in the performance standards for industrial uses addressed glare and heat performance. He said it was something that worked reasonably well so they did not need to “reinvent the wheel.”

It was moved by Commissioner Rex, duly seconded, and passed by a voice vote of 10 to 0, (Chair Lavaty absent), to set this item for public hearing in May with the modification of allowing the “P” Parking Zone and removing item “D” in the Performance Criteria from the C-1, C-2, and C-3 zones.

Mr. Gross said he appreciated the Commissioners time and effort on this issue and looked forward to seeing them next month.

3. INFILL IMPROVEMENT TEXT AMENDMENTS

- a. Parking Reduction Revisions
- b. Downtown Area Infill Incentive District (HD) Revisions
- c. Urban Overlay District
- d. Certificate of Occupancy Regulatory Relief
- e. Timelines and Expiration Dates

Jim Mazzocco, Planning and Development Services Planning Administrator, stated he would give an overview report and the planners who worked on the projects would each provide additional information on the items listed.

Mr. Mazzocco said, in January of this year, during a Mayor and Council Study Session, Council Member Kozachik gave that list of “quick fixes” he wanted staff to look in the *Land Use Code* that would help infill type of development. The list was reviewed by staff and the Land Use Code Committee. All five of the issues were discussed and Staff received input as the issues were being developed.

Mr. Mazzocco said the memo was introduced to the Planning Commission on March 3 prior to going to the Mayor and Council. At the Mayor and Council meeting, staff was directed to begin working on text amendments for the five listed items. Mr. Mazzocco said he would give a brief statement about each of the items.

Parking Reduction Revision – Mr. Mazzocco said in May 2009, the Mayor and Council adopted an ordinance that was reviewed by the Planning Commission regarding a list of parking reductions. It involved non-conforming uses, a mid-town formula for existing development, and an individual parking plan. When the draft was reviewed again, staff spoke to a few applicants and reviewers. They found a few flaws that could easily be corrected, would work better, and clarify some of the language. He explained the “draft” at the table that evening had those corrections. The “draft” also addressed issues raised regarding noise and light standards, shared parking, mitigation plans and how they operated, and loading zones. He stated staff found by revising these items, it provided more flexibility when a person was designing a fairly tight site that required loading zones, parking, and an overlap that would not necessarily create a public safety hazard.

Mr. Mazzocco said there was another issue that was raised in this particular “draft” that had to do with expansions of existing buildings. However, staff was asking for that issue to be tabled because of its complexity. He said they wanted to address expansions in the *Land Use Code* all at the same time.

Downtown Area Infill Incentive District (IID) Revisions – Mr. Mazzocco said in September 2009, the Mayor and Council adopted a Modification of Development Regulations (MDR) provision that allowed individuals to apply for relief from certain dimensional requirements including parking and landscaping, within the IID. Although it was an administrative process, it allowed for the neighborhoods to be noticed to advise them of what was going on. He said, by this process, they found issues that needed to be addressed in the proposed text amendment and he advised those issues were currently being addressed. Mr. Mazzocco explained there was a twenty-five percent decrease in landscaping that was not adequate in a downtown or infill situation. He said what they were really trying to address was landscaping that was appropriate in an urban setting versus landscaping that was appropriate in a suburban setting along arterials. He added the issues with access and parking could be improved, and those issues were also discussed by the Land Use Code Committee. He said the Land Use Code Committee was supportive at looking at parking differently in the Infill Incentive District and especially downtown.

Mr. Mazzocco said the draft also acknowledged that there were a lot of sites in the Infill Incentive District where parking already existed in the front of the sites, however, they wanted to have the option open for those sites to also qualify for infill development.

Urban Overlay District - Mazzocco said, when they first presented the Planned Area Development (PAD) last year to the Planning Commission, at an overlay option that the Mayor and Council could initiate over multiple properties and create some type of infill mixed use area using the PAD process. There were good things that were done with that change because it was now easier to do a PAD in an infill situation and to provide more flexibility in the information included in a site analysis. However, it became problematic when using a PAD in an overlay district. He said it did not work well because when the zoning map changed, the map still showed it as a PAD. What staff tried to accomplish in an overlay was, if someone was zoned C-3, the rules of C-3 would still apply, however, there was also an urban infill option that went on that property which was part of the rezoning approval and it would be very hard to describe when there was a PAD. He suggested that when there was an overlay, if the prefix of “U” was added, the map would change and show UC-3. Now the zoning map would show that it was considered to be a C-3 with an urban infill option.

Mr. Mazzocco said they decided it would be better to have an overlay district that would accomplish the goal with the flexibility of a PAD. He said it worked on two levels. On the first level, it worked with individual projects. If someone wanted to do a mixed-use project, the Urban Overlay District could be used. He said an overlay district could also allow flexible design standards be applied to a given area to encourage transit oriented development. He said it was another zoning tool that could be used in situations like the Regional Transportation Authority Projects along Grant Road and Broadway Boulevard. It would be another vehicle used to create design standards for transit

oriented development as needed. He stated it was a concept that could be used in whatever part of the City it was needed.

Certificate of Occupancy Regulatory Relief – Mr. Mazzocco explained a quick way of thinking of this issue was an “as-is zoning compliance concept.” This proposal would create a simple method for new uses of existing development in nonresidential zones to achieve zoning compliance. Any use permitted under the existing zoning was allowed as long as the site remained unchanged from the configuration shown on the May 2005 aerials.

Timelines and Expiration Dates – Mr. Mazzocco stated the basic purpose of these amendments was to lengthen development expiration dates. The proposed amendments streamlined the tracking of multiple expiration dates for tentative plats, final plats, and development plans by extending the approval expiration dates of the documents from one to three years.

Mr. Mazzocco said it was staff’s recommendation that the listed text amendments be set for public hearing with the exception of two issues. He said the first issue was the Infill Incentive District and explained this issue should be continued. On March 9, 2010, when the Mayor and Council directed staff to come forward with the “quick fixes,” two members of the Land Use Code Committee presented a letter to the Mayor and Council requesting that a Downtown Core District be formed. They were unclear at that point how it would be created, but the Mayor and Council were interested. The Downtown Core District would remove a lot of the zoning review and focused more on urban design and architecture rather than zoning compliance. The Mayor and Council asked staff to come back to the study session on April 27, 2010, to advise on how they should proceed with the recommendation from the Committee. He said staff was currently in the process of reviewing the issues and preparing a memo for the Mayor and Council to advise them on how to address the Downtown Core District.

Mr. Mazzocco explained this overlay could become a sub-area of the Infill Incentive District with its own modification of development regulations. Another option could be that it would become one of the first Urban Overlay Districts. If it became a subarea of the Infill Incentive District, it would require notification to approximately four thousand properties which would be fairly expensive, so the department wanted to be efficient with their resources. If the Infill Incentive District “quick fix” and sub-area fix should go forward, they wanted to make sure they were being done at the same time so the notification would not be duplicated.

Mr. Mazzocco explained the other issue to be tabled would be the parking expansion subsection of the *Parking Reduction Revisions*. He said staff wanted to look at expansions throughout the LUC, condense them, see how worthy they were, and come up with one expansion policy for any development plan.

Glenn Moyer, Planning and Development Services Department, Planning Administrator, gave a presentation on Certificate of Occupancy Regulatory Relief text amendment. He explained that the Mayor and Council directed staff to look at possible “quick fixes” in two areas which were:

- Certificates of Occupancy and Inspections were to be conducted by one inspector of the Tucson Fire Department and focus on basic life safety issues.
- Staff was to go to the Planning Commission for the purpose of removing existing commercial building from the *Land Use Code* (LUC) requirements for the Certificates of Occupancy process and include a review of the draft ordinance that was submitted.

Mr. Moyer explained the first item was being considered by the Building Code Committee as a separate item, and not part of the *Land Use Code*. The second item was consistent with what had already begun when bringing the LUC forward. He said, while it was not practical to remove an entire class of buildings from the LUC, it was possible to streamline review procedures while preserving appropriate land use controls.

Mr. Moyer explained that the Certificate of Occupancy Regulatory Relief was a simple method for changes of use within an existing development in non-residential zones to achieve zoning compliance with the intent to streamline the review processes for the Certificate of Occupancy. He continued to explain some key provisions.

Commissioner Williams asked about Attachment E under Section 5.3.12.1. He asked what would happen if these conditions were adjacent to residential property and the uses that were allowed would not be compatible with the existing residential property. He gave examples such as a bar or food service that provided service at various times of the day or night.

Mr. Moyer said the proposal would only allow uses currently allowed under the existing zoning.

Commissioner Williams said he understood. He asked what if right now there were problems at a site that was adjacent to an existing residential neighborhood. Was there anything in the draft to address such problems.

Mr. Moyer said there was no retroactive enforcement, but if there were any unresolved zoning violations, that use would not be eligible to use this process. However, if a use was in existence since 2005, and no violations were filed, the use could be allowed under the existing zoning.

Commissioner Williams asked what would happen if a use came into existence after 2005.

Mr. Moyer answered they would not be eligible to use this provision.

Commissioner Williams said part of the problem was addressed, but it did not address some of the other concerns that still needed to be addressed.

Mr. Moyer said, if there were sites that were problems for neighborhoods, this draft would not change that. It might allow a different user to come in and make it easier to switch users in and out of buildings.

Commissioner Maher questioned where the additional document came from that was supplied to the Commission.

Mr. Moyer explained the source of the document came from the stakeholders who prepared the draft ordinance that the Mayor and Council had included with their materials on March 23.

Commissioner Maher said he agreed with the two paragraphs for the owner and the tenant, and could have used those a few times. He said in reviewing the recent draft, there were some excellent things that hit the reality of problems in the field. He complimented staff and said he appreciated what he read.

Commissioner Rex referred to Attachment E, Section 5.3.12.9. She asked whether it was acceptable for the tenant to bring an affidavit or lease agreement or if a special request from the owner was needed.

Mr. Moyer said the way the ordinance was written, it was intended to involve the owner. A tenant would need a sworn affidavit or redacted lease. He added the ordinance was also intended to apply to whole parcels, so tenants renting one suite in a shopping center could not put in for a use in without the owner's permission.

Commissioner Rex also referred to Attachment E, Section 5.3.12.8. She asked Mr. Moyer for an example where striping would increase the number of parking spaces, and also asked about disabled parking.

Mr. Moyer said he did not have a specific example regarding striping, but the type of sites they looked at were often the older strip-centers. When re-striped and the space was reduced, it was possible at times to get an extra parking space. Regarding disabled parking, that was part of the Building Code and this section did not address or affect it. He said if disabled parking existed prior to 2005, it would remain on the site.

Commissioner Rex asked, since there would be no physical inspection of the site, would the building inspector have knowledge of the requirements for disabled parking and apply them because they were under the Building and/or Fire Codes.

Mr. Moyer explained disabled parking was a Building Code item and this text amendment did not allow for any changes. Building Code requirements for disabled parking would still need to be met.

Ernie Duarte, Planning and Development Services Department Director, said staff worked with the stakeholders regarding the Certificate of Occupancy process in an attempt to streamline it to the greatest extent possible. He explained at the March 23, 2010, presentation to the Mayor and Council, he referred to discussions held with the City's Fire Chief in assuming inspections of Certificates of Occupancy on existing buildings. The idea behind that was having one versus multiple inspectors on site and the community thought that was important. The Fire Chief was agreeable to assuming those inspections with the understanding that there had to be some level of training associated with this transfer of duty. He said they were looking at items such as

disabled parking and things that were typically out of the Fire Code type of review and training would occur with the inspectors who would be assuming the inspection process.

Adam Smith, Planning and Development Services Department, Principal Planner, gave a presentation on the Downtown Area Infill Incentive District revisions. He explained some details within the proposed amendments on modifications to:

- Parking requirements.
- Landscaping.
- Floor Area Ratio.
- Pedestrian Access.
- Parking Area Location Requirement.
- Parking Reduction Revisions and the issues.

Mr. Mazzocco added that all of the draft amendments had an expiration date of January 31, 2012. He said they were trying the amendments out and hoped they worked. However, he said if they did not work, they would make adjustments as needed. One part was based on the strategy of Proposition 207 and the other part was just trying out new ideas in the community to see if they worked or not.

Commissioner Williams asked if the City had adequate transportation ideas to get people out of their vehicles to allow for the reduction of vehicles. If the amount of traffic was not reduced it would not allow for parking reduction of fifty percent.

Mr. Smith explained throughout the Infill Incentive District there was bus service. He said he would be contacting Sun Tran to see if they were going to increase the service in the Infill Incentive District. He explained other types of mass transit options such as the modern street-car and additional bike lanes.

Mr. Mazzocco added that they were creating a greater demand for transit in the area by the type of land uses. As a community, if they did not follow-up with increased transportation, it would become an unbalanced concept.

Commissioner Williams commented with in the Infill Incentive District, Sun Tran buses ran at irregular times, they did not have bus pull outs, and lacked bicycle routes. He said he was concerned on the transportation issues that needed to be addressed before reducing the amount of required parking. He said it was like putting the cart before the horse.

Other discussions followed on possible boundary amendments of the Infill Incentive District, but because of the timeline the Mayor and Council had placed on the amendment, amending boundaries at this time was not possible.

Commissioner Saylor-Brown questioned the proposed loading zone and asked if this portion of the amendment would be expanded for the public hearing.

Mr. Smith referred to Amendment #2, Section 3.4.4.1 C., page nine of the handout to the Commissioners. He explained the amendment allowed for the co-location of loading zones which was an infrequent occurrence on the site with solid waste collection. It would allow infill sites to be better utilized.

Commissioner Rex asked how the Urban Overlay District worked with the Infill Incentive District (Attachment D). She said at some point, the Commission counted all the overlays already in the downtown area and there were four or five. She asked if the Urban Overlay District was possible or was it intended to clean up multiple overlays.

Mr. Mazzocco explained that the Urban Overlay District was an enabling ordinance that allowed multiple uses to incentivize different kinds of transit oriented development throughout the community as needed and he gave examples. He explained there was an opportunity to dissolve some of the overlays and incorporate the best criteria into one district. Mr. Mazzocco gave various examples.

Commissioner Rex questioned the comfort level of moving forward with the Urban Overlay District since this was the first time it was presented and yet the parking reduction portion was continued. She asked if there were plans to move forward with the Urban Overlay District after it would be reviewed.

Mr. Mazzocco said the Urban Overlay District was only an enabling ordinance. It did not set up any criteria for anything. It was just a vehicle, but the criteria would need to be filled in which would be done through the rezoning process. In the rezoning process, all the criteria would get sorted out. He said the Urban Overlay District was first instigated at the Mayor and Council meeting on March 9, 2010, when “quick fixes” were discussed. Two members of the Land Use Code Committee brought in a letter asking that a Downtown Core Overlay District be started. The Mayor and Council, at that time, gave direction to staff to work on the “quick fixes” and return by April 27, 2010, with information about a Downtown Core Overlay District.

Commissioner Rex asked if this was one of the overlays that staff wanted to see in May and not in June.

Mr. Mazzocco said that was correct, and it was also related to the Downtown Links Project that the Mayor and Council directed staff to move forward with, but did not have a vehicle. The Urban Overlay District would serve as that vehicle.

Commissioner Maher asked if this would also serve as a vehicle for the Grant Road Project.

Mr. Mazzocco replied it could.

Commissioner Maher said he was curious about the Downtown Core letter. He said he understood it emphasized urban design and architecture as opposed to a multitude of codes.

Mr. Mazzocco explained that the letter basically laid out a concept stating there should be a Downtown Core and attached a map of the area. The map showed Cushing Street on the south, Fourth Avenue on the east, railroad tracks on the north, and I-10 on the west. The two members explained two issues which they thought applied to that area and took several of the design criteria and issues of Rio Nuevo. The letter explained which items and requirements should stay and which items should be removed. Some things were zoning related and were fine for a zoning process. Some things were not and could not be handled in a zoning process. He said they wanted to make sure the Mayor and Council were aware of those points. The concepts highlighted were height, use, architectural design criteria, and the removal of other zoning criteria. Mr. Mazzocco mentioned there were some very important items were not mentioned in the letter such as the Historical Preservation Zone. He said the concept appeared to have some gaps which needed to be sorted out. He explained all those issues would be pointed out to the Mayor and Council before proceeding.

It was moved by Commissioner Maher, duly seconded, and passed by a voice vote of 10 to 0, (Chair Lavaty absent), to set this item for public hearing at the May Planning Commission meeting with the exception of the Downtown Area Infill Incentive District Revisions, which would be continued as a Study Session item.

5. OTHER BUSINESS

a. Mayor and Council Update

Ernie Duarte, Planning and Development Services Department Director, announced the following:

- On April 6, 2010, a presentation was made to the Mayor and Council regarding the “quick fixes.” As mentioned, members of the Land Use Code Committee also brought forward a recommendation to the Mayor and Council on establishing a Downtown Core.
- On April 6, 2010, the Mayor and Council approved and adopted the text amendment to the *Land Use Code* regarding Charter Schools that allowed the City of Tucson to regulate Charter Schools in residential zones on an acre or less.

b. Other Planning Commission Items (Future Agenda Items for Discussion/Assignments)

- Presentation and Training on the Open Meeting Law
- Start time for Planning Commission meetings

6. CALL TO THE AUDIENCE

There were no speakers.

7. ADJOURNMENT – 7:43 p.m.