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# PLANNING COMMISSION

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

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Approved by Planning Commission  
On (Draft)

Date of Meeting: July 21, 2010

The meeting of the City of Tucson Planning Commission was called to order by Rick Lavaty, Chair, on Wednesday, July 21, 2010, at 6:08 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:

Rick Lavaty, Chair	Member at Large, Ward 1
Shannon McBride-Olson, Vice Chair	Member, Ward 2
Ralph Armenta	Member, Ward 5
Joseph Maher	Member at Large, Ward 3
Rich Michal	Member at Large, Ward 6
Thomas Saylor-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1

Absent:

Catherine Applegate-Rex	Member at Large, Ward 5
Steven Eddy	Member, Ward 6
Craig Wissler	Member, Ward 3
William Podolsky	Member at Large, Ward 4

Staff Members Present:

Ernie Duarte, Planning and Development Services Department, Director  
Jim Mazzocco, Planning and Development Services Department, Planning Administrator  
Adam Smith, Planning and Development Services Department, Principal Planner  
John Beall, Planning and Development Services Department, Principal Planner  
Tom McMahan, City Attorney's Office, Senior Assistant City Attorney  
Erin Morris, Planning and Development Services Department, Project Coordinator  
Ceci Sotomayor, City Clerk's Office, Secretary

**2. CORRECT THE MAY 5, 2010, MINUTES REGARDING ZONING COMPLIANCE FOR EXISTING SITE IMPROVEMENTS**

Discussion was held. It was noted that the a correction was made to the motion on pages 48 and 49 of the minutes to read that Commissioner Rex moved to forward the Zoning Compliance for Existing Site Improvements and not the Reduction in Required Number of Motor Vehicle Parking Spaces.

It was moved by Vice Chair McBride-Olson, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Applegate-Rex, Eddy, Podolsky, and Wissler absent), to approve the May 5, 2010, minutes as corrected.

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

It was moved by Commissioner Saylor-Brown, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Applegate-Rex, Eddy, Podolsky, and Wissler absent), to approve the June 2, 2010, minutes as submitted.

**4. MANZO NEIGHBORHOOD PLAN AMENDMENT PA-10-02 NORTHEAST CORNER SILVERBELL (PUBLIC HEARING)**

John Beall, Planning and Development Services Department, Principal Planner, gave a presentation on the proposed amendment for the *Manzo Neighborhood Plan*. He said the applicant was Evergreen Devco, Inc., on behalf of the property owner, Carondelet Health Network.

Mr. Beall explained the request was to amend the *Manzo Neighborhood Plan* on a 3.77 acre site at the northeast corner of Silverbell Road and St. Mary's Road to allow the addition of neighborhood commercial and office uses to the currently allowed residential designation. If successful, the applicant wanted to rezone the site from residential R-2 to commercial C-1.

The following topics were discussed regarding the plan amendment.

- The current neighborhood plan.
- The existing zoning and land uses.
- The Applicant's proposal.
- A summary of the additional information from questions that were requested by the Planning Commission at their last meeting.

Mr. Beall said it was Staff's recommendation that the Planning Commission forward the proposed *Manzo Neighborhood Plan Amendment* to the Mayor and Council with a recommendation to revise the Land Use Map to allow neighborhood commercial, office, low to medium density residential uses on the amendment site.

Commissioner Williams said that "NC" was designated as Neighborhood Commercial zone and was what was stated in staff's report. He said if the request was to change it to C-1 zone, he recommended that the wording be changed to Commercial zone.

Mr. Beall said it was confusing. He said the NC zone was started in 1998 and all of the area neighborhood plans he had looked at made a very distinction between commercial and neighborhood commercial. He said in the Plan, there was already a commercial designation which allowed for NC, C-1, C-2 or C-3. He stated of the language used, one was for a zone and the other was for planning language or planned use designation, and felt it was clearer to use that designation for neighborhood commercial.

Discussion ensued about:

- staff's recommendation letter regarding the zoning.
- the actual vote by the Commission on the planning designation or zoning.
- the *LUC's* specification of neighborhood commercial zones other than NC

Chair Lavaty asked if the applicant had a presentation to make.

Keri Silvyn, Lewis and Roca, said they agreed with the staff's report and recommendation to forward the proposed *Manzo Neighborhood Plan Amendment* to the Mayor and Council. She thanked staff for their assistance and guidance through the process. She reminded the Commission that the only thing they were asking to change was the designation and not the text in the *Manzo Neighborhood Plan*. She noted they had been meeting and working with the neighborhoods, and discussed deleting some parking spaces and creating some enhanced landscaping.

Ms. Silvyn answered Commissioner Williams' question about the entire lot being used for the development and stated that Carondelet Healthcare Network would retain a retail portion of the lot.

Chair Lavaty opened the Public Hearing and asked if there was anyone in the audience wishing to be heard on this item.

Brent Davis said he was present that evening to ask questions regarding the development. His main concern was with the seller of the property, which was the Carondelet Healthcare Network. He said they had made a lot of promises to a lot of people in the last few years and was concerned they would not follow through on their plans. He explained that, in a previous situation, Carondelet Healthcare Network did not follow through with their promise until the neighbors began to complain. He was concerned there were problems that needed to be addressed regarding the employee parking. He added that Carondelet needed to step up to the plate and state what their plans and intentions were.

Discussion followed regarding the parking lot and parking problems on the proposed site.

Neil Carolan, Carondelet Health Network representative, stated he did not have the answers to the questions asked, but he would do some research and get back to the Commission. He added that the temporary lot used for parking was never intended to be hard surfaced. He spoke about the use of the current parking by the hospital in that it was not always full to capacity everyday. He said they were working on a plan to build an

additional three hundred spaces but could not proceed until the Federal Government gave them permission because of flood plain issues. He said currently, there was adequate daily parking for their associates.

Discussion continued regarding the parking issues.

Margaret McKenna, President of Barrio Hollywood Association, said they met with Walgreens and Carondolet. She said some of the issues were resolved, such as traffic and water-flow. She spoke in support of Carondolet, and said they had been a good partner with the community.

The following topics were discussed:

- parking overflow
- potential liquor sales 24-hours a day
- opening of Sonora Street through the parking lot
- pedestrian access from the neighborhood to the parking lot

It was moved by Commissioner Williams, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Applegate-Rex, Eddy, Podolsky, and Wissler absent), to close the public hearing.

Commissioner Williams stated he wanted to make sure the neighborhood was aware, understood, and supported the development.

It was moved by Commissioner Williams, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Applegate-Rex, Eddy, Podolsky, and Wissler absent), to forward the *Manzo Neighborhood Plan* Amendment to the Mayor and Council as recommended by staff, with modifications.

Chair Lavaty said he wanted to include some additional findings. He said this was an awkward site and was not appropriate for residential development because of the arterial on Silverbell Road and because the shape and topography made it difficult for residential development on this parcel. He said he would like to see in the letter from the Commission, some discussion of the difference between the planning term neighborhood commercial and the zoning neighborhood commercial. He believed the Mayor and Council might have some of the same issues and concerns the Planning Commissioners had.

**5. LAND USE CODE TEXT AMENDMENT – DOWNTOWN AREA INFILL INCENTIVE DISTRICT. (STUDY SESSION)**

Adam Smith, Planning and Development Services Department, Principal Planner, gave a presentation on the Downtown Area Infill Incentive District (IID). He summarized the revisions that were made to the draft based on the Planning Commission's comments made during the June 2010 meeting and comments received from the *Land Use Code* Committee (*LUC*) committee.

He said there were five changes made to the draft and explained each in detail.

- Urban Design Best Practice option
- Revision to the Downtown core sub-district boundaries
- Additional parking reduction option within the greater IID sub-district.
- Clarification of when the Native Plant Ordinance was required
- Revision the applicability of the development transition criteria.

Mr. Smith said that Staff was recommending that this item be set for a public hearing at the August Planning Commission meeting.

Concerns were expressed by the Commissioners and discussion was held on the following:

- reduction in bicycles
- pedestrian friendly area
- incorporating alternative design features to allow for pedestrians
- sidewalk widths
- shading
- Best Urban Design practice

It was moved by Commissioner Sayler-Brown, duly seconded, and carried by a voice vote of 7 to 0 (Commissioners Applegate-Rex, Eddy, Podolsky, and Wissler absent), to set the *Land Use Code* Text Amendment – Downtown Area Infill Incentive District for public hearing on the August 18, 2010, Planning Commission meeting.

## **6. JOBS ADVISORY TEAM RECOMMENDATION (STUDY SESSION)**

Ernie Duarte, Planning and Development Services Department Director, said included in the Commissioners packet was a request from Vice Mayor Scott requesting that time be set aside for the Mayor and Council to discuss the Jobs Advisory Team Recommendations at a Study Session.

Mr. Duarte said in February of this year, Vice Mayor Scott convened a number of community stakeholders in the construction, development, and real-estate industries to come to her office and brainstorm on some ideas that the community members had that might stimulate construction development in the City of Tucson. He said it was a well-attended session with a host of ideas that came out of that process. Vice Mayor Scott and her staff reviewed the ideas and brought three recommendations to the Study Session that she wanted staff to pursue. The recommendations were:

- Staff was directed to work on a process to defer and/or modify requirements in the *Land Use Code (LUC)* and the *Uniform Building Code (UBC)* for a period of five years that were not necessary for the functionality or safety of a project.
- Staff was directed to create an “Ombudsman” position in the City Manager’s office for Planning and Development Services. The role of the position was to act as an advocate for major projects and move them through all internal and external reviews and approvals as quickly as

possible. The position would be filled as soon as possible depending on availability of funding as determined by the City Manager.

- Staff was directed to implement a process that allowed for the extension of the “shelf” life of all Planning and Development Services approvals for Development Plans, Development Agreements and Site Plan approvals for five years. This would require a change to the *LUC* and would also complemented Council Member Romero’s proposal, approved by the Mayor and Council last year, allowing for Protected Development Rights (PDR) up to three years. Phased projects were eligible for PDR protection for up to five years.

Mr. Duarte said the Mayor and Council held a lengthy discussion in this regard and it was received by a lot of community support. He said the Mayor and Council directed staff to pursue the three options that were outlined and report back to the Council within ninety days on the progress status of the proposals.

Mr. Duarte explained each of the recommendations in detail and discussion followed on the three to five year period to defer and/or modify requirements in the *LUC*, *UBC*, the Ombudsman position, and the PDR.

Other items discussed were:

- Process to defer and/or modify requirements in the *LUC* and its affect in the creation of jobs.
- Potential unanticipated consequences associated with the deferment or modification of the requirements for five years.
- Was it possible that between the time the process went through Development Services and was approved, five years later, more than likely, the same development could be sold multiple times.
- Ombudsman position
- Extension plans created through the Protected Development Plan.
- Concerns regarding the revision and stabilization of parking and landscape codes

Mr. Duarte explained that a lot of what they were trying to get accomplished in the IID was aligned with some of the deferral items such as the landscaping, parking, and loading zones. He said the areas in the *Code* that did not include much flexibility would be the areas that would be aligned with the deferral program. He said there were a lot of efforts afoot with the *LUC*.

## **7. UPDATE REGARDING FUTURE PLANNING COMMISSION MINUTES (INFORMATION ONLY)**

Jim Mazzocco, Planning and Development Services Department, Planning Administrator explained that the Planning Commission minutes would be briefer than they have been. He said this was a policy being adopted throughout the City to reduce staff time in the preparation of minutes.

Commissioner Williams said he did not mind reducing the minutes, as long as, the main points discussed during the meeting were included.

**8. MAYOR AND COUNCIL UPDATE**

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

- Mayor and Council passed two *Land Use Code (LUC)* text amendments: 1) Amending Chapter 23 of the *LUC* relating to the Development Time Lines and Expiration Dates and 2) Amending Chapter 23 of the *LUC* relating to Off Street Loading Zones and Ordinance on June 22, 2010.
- Mayor and Council passed two *Land Use Code (LUC)* text amendments: 1) Amending Chapter 23 of the *LUC* relating to Renewable Energy Generation and 2) Amending Chapter 23 of the *LUC* relating to Zoning Compliance for Site Improvements in Existence on May 1, 2005, on July 7, 2010.

Mr. Duarte advised there was a complete oversight in the applicability to the Certificate of Occupancy (C of O) Relief Ordinance for Existing Buildings in that it was not intended to apply to overlay zones. There was a failure to recognize that the Major Streets and Routes was, in fact an overlay zone, which defeated the full intent behind the proposed text amendment. He said staff was bringing it back to the Mayor and Council asking for reconsideration of their action to include the Certificate of Occupancy for Existing Building which was intended to apply to Mayor Streets and Routes. He said that would take place in September.

**9. OTHER PLANNING COMMISSION ITEMS (future agenda items for discussion or assignments)**

- Update and status on the *Land Use Code* from Clarion Associates
- Public Hearing on the *Land Use Code* Text Amendment – Downtown Area Infill Incentive District

**10. CALL TO THE AUDIENCE**

There were no speakers.

**11. ADJOURNMENT – 7:50 p.m.**