PLANNING COMMISSION

Wednesday, September 21, 2011, 6:00 P.M.
Mayor and Council Chambers
City Hall, 255 West Alameda Street
Tucson, Arizona 85701

Legal Action Report *Amended*

1. Call to Order/Roll Call

Meeting was called to order by Chair McBride-Olson at 6:06 p.m. Those present and absent were:

Present:

Shannon McBride-Olson	Chair, Member, Ward 2
Craig Wissler	Vice Chair, Ward 3
Thomas Sayler-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Joe Yee	Member, Ward 4
Quentin Bryson	Member at Large, Ward 2
Joseph Maher	Member at Large, Ward 3
William Podolsky	Member at Large, Ward 4
Ladd Keith	Member at Large, Ward 6

Absent:

Rick Lavaty	Member at Large, Ward 1
Steven Eddy	Member, Ward 6
Catherine Rex	Member at Large, Ward 5

Staff Members Present:

Ernie Duarte, Planning and Development Services Department, Director
Jim Mazzocco, Planning and Development Services Department, Planning Administrator
Tom McMahon, City Attorney's Office, Senior Assistant City Attorney
Adam Smith, Planning and Development Services Department, Principal Planner
Patricia Gehlen, Planning and Development Services Department, Neighborhood Resources Project Coordinator
Belinda Flores-McCleese, Planning and Development Services Department, Secretary
Ceci Sotomayor: City Clerk's Office, Secretary
Robin Murdock, City Clerk's Office, Secretary

2. Approval of Minutes / Legal Action Report: July 20, 2011

It was moved by Commissioner Keith, duly seconded, and carried by a voice vote of 9 to 0, (Commissioners Lavaty, Eddy, and Rex absent) to approve the Legal Action Report for July 20, 2011.

3. 2010 *Land Use Code* Text Amendment Sunset Dates (Public Hearing)

Presentation was given by Adam Smith, Planning and Development Services Department, Principal Planner, that summarized the ordinances that were under consideration for extension of the LUC sunset dates to January 31, 2015:

- Zoning Compliance for Site Improvements in Existence on May 1, 2005 (Ordinance 10835).
- Development Timelines and Expiration Dates. (Ordinance 10813).
- Urban Overlay District (Ordinance 10832).
- Downtown Area Infill Incentive District (Ordinance 10841).

Ernie Duarte, Planning and Development Services Department, Director, also gave a brief presentation and explained the various issues and concerns that were raised by stakeholder groups and commented on letters of support and concerns that were received regarding the text amendment.

Discussion was held, and the public hearing began. Comments in support of extending the sunset dates as recommended by staff were heard from Tom Warne, Richard Mayers, Jason Wong, Lisa Hoskin, Gordon Wagner, David Godlewski, and Richard Mayers.

Comments against extending the sunset dates as recommended by staff were heard from Matt Williams, Joanne Downey, Chris Gans, Cheri Wiens, Carolyn Niethammer, and Cathy Morrison.

It was moved by Commissioner Bryson, duly seconded, and carried by a voice vote of 9 to 0 (Commissioners Lavaty, Eddy, and Rex absent), to close the public hearing.

It was moved by Commissioner Bryson, duly seconded, that the sunset dates for Ordinance Nos. 10835, 10832, and 10813, be extended to January 31, 2015 as recommended by staff.

A substitute motion was made by Commissioner Williams, duly seconded, that each of the Ordinances be discussed and voted on independently.

The original motion by Commissioner Bryson, was withdrawn.

The substitute motion to discuss each of the Ordinances independently was carried by a voice vote of 9 to 0 (Commissioners Lavaty, Eddy, and Rex absent).

It was moved by Commissioner Williams, duly seconded, and carried by a voice vote of 9 to 0 (Commissioners Lavaty, Eddy, and Rex absent), that the Development Timelines and Expiration Dates (Ordinance 10813), be forwarded to the Mayor and Council with the sunset date extended to January 31, 2015, as recommended by staff.

Discussion was held on the Zoning Compliance for Site Improvements in Existence on May 1, 2005 (Ordinance 10835).

It was moved by Commissioner Maher, duly seconded, that the Zoning Compliance for Site Improvements in Existence on May 1, 2005 (Ordinance 10835), be extended to any date prior to January 31, 2015, with a recommendation to include an adaptive-use ordinance.

Discussion was held.

Commissioner Maher revised his motion to extend the date to anytime prior to January 31, 2014, with a recommendation to include an adaptive-use ordinance.

The revised motion died for a lack of a second.

It was moved by Commissioner Bryson, duly seconded, and passed by a roll call vote of 8 to 1 (Commissioner Williams dissenting and Commissioners Lavaty, Eddy, and Rex absent), that the sunset dates of the Zoning Compliance for Site Improvements in Existence on May 1, 2005 (Ordinance 10835), be forwarded to the Mayor and Council with the date extended to January 31, 2015, as recommended by staff.

Discussion was held on the Urban Overlay District (Ordinance 10832).

It was moved by Commissioner Maher, duly seconded, and carried by a voice vote of 9 to 0 (Commissioners Lavaty, Eddy, and Rex absent), that the Urban Overlay District (Ordinance 10832) be forwarded to the Mayor and Council as recommended by staff with the sunset date extended to January 31, 2015.

Discussion was held on the Downtown Area Infill Incentive District (Ordinance 10841).

It was moved by Commissioner Podolsky, duly seconded, that the Downtown Area Infill Incentive District (Ordinance 10841), be forwarded to the Mayor and Council, with a sunset date of January 31, 2012, and that it to be revisited after that date by the Mayor and Council with involvement of the respective authorities and the designated impacted neighborhoods.

Discussion followed on how the Downtown Infill Incentive District Ordinance was critical to the Modern Street Car project.

* A substitute motion was made by Commissioner Williams that ~~the sunset dates of the Urban Overlay District (Ordinance 10832) be extended to January 31, 2015 as recommended and~~ **the ordinance sunset as written with the recommendation** that City staff come forward with recommendations to the Mayor and Council and the Planning Commission on how to improve and address the following issues: transitions for building heights, historic preservation, and get the neighborhoods involved, so they could have an input in this process.

Discussion followed.

* The substitute motion ~~died for a lack of a second~~ **was withdrawn by Commissioner Williams**.

Another substitute motion was made by Commissioner Sayler-Brown, duly seconded, that the sunset dates of the Downtown Area Infill Incentive District (Ordinance 10841) be extended to January 31, 2013, with a caveat that refinements are made as a part of the planning along the Modern Street Car route.

Tom McMahon, City Attorney's Office, Senior Assistant City Attorney advised that conditions could not be made to the extension of the sunset date. However, the Chair could make additional recommendations at the time the item was forwarded to the Mayor and Council.

Commissioner Sayler-Brown revised his motion with the second in agreement, removing the caveat from his original motion.

Discussion continued.

The revised substitute motion for the sunset dates of the Downtown Area Infill Incentive District (Ordinance 10841), be extended to January 31, 2013, failed by a roll call vote of 4 to 5 (Commissioners Keith, Podolsky, Williams, Yee, and Chair McBride-Olson dissenting and Commissioners Lavaty, Eddy, and Rex absent).

* **The original motion moved by Commissioner Podolsky, and duly seconded, to forward the Downtown Area Infill Incentive District Ordinance (Ordinance #10841) to the Mayor and Council with a recommendation to sunset the ordinance on January 31, 2012 and that it be revisited after that date by the Mayor and Council with involvement of the respective authorities and the designated impacted neighborhoods failed by a roll call vote of 2 to 7 (Commissioners Bryson, Keith, Maher, Sayler-Brown, Yee, Wissler, and Chair McBride-Olson dissenting and Commissioners Lavaty, Eddy, and Rex absent).**

It was moved by Commissioner Keith, duly seconded, and failed by a roll call vote of 6 to 3 (Commissioners Bryson, Podolsky, and Williams dissenting and Commissioners Lavaty, Eddy, and Rex absent), that the sunset dates of the Urban Overlay District (Ordinance 10832) be extended to January 31, 2015, as recommended by staff.

Mr. McMahon advised that although there was a majority vote, the rules provided for seven votes to pass a motion to go forward to the Mayor and Council.

Jim Mazzocco, Planning and Development Services Department, Planning Administrator stated that the item did not meet the required votes for a recommendation to the Mayor and Council and therefore stood as no recommendation from the Planning Commission.

Recess: 8:38 p.m.
Reconvene: 8:52 p.m.

4. *Land Use Code* Simplification Project Articles 8, 9 and 10 (Study Session)

Presentation and overview update was given by Patricia Gehlen, Planning and Development Services Department, Neighborhood Resources Project Coordinator, regarding the LUC Simplification Project, Article 8.

Presentation was given by Adam Smith, Planning and Development Services Department, Principal Planner, regarding LUC Simplification Articles 9 and 10.

Discussion was held; no action taken.

5. West University Neighborhood Plan – Transition Area Plan Amendment Update (Information Only)

Update was given by Ernie Duarte, Planning and Development Services Department, Director.

An overview and presentation was given by Jim Mazzocco, Planning and Development Services Department, Planning Administrator, regarding Transition Area Plan Amendment.

Discussion was held; no action taken.

6. Mayor and Council Update

No update given.

Ernie Duarte, Planning and Development Services Department, Director, presented Commissioner McBride-Olsen with a Copper Plaque for her eight years of service on the Planning Commission.

7. Call to the Audience

There were no speakers

8. Adjournment

The meeting was adjourned at 10:14 p.m.