



PLANNING COMMISSION
Wednesday, November 2, 2011, 6:00 P.M.
Mayor and Council Chambers
City Hall, 255 West Alameda Street
Tucson, Arizona 85701

Legal Action Report

1. Call to Order/Roll Call

Meeting was called to order by Chair Wissler at 6:03 p.m. Those present and absent were:

Present:

Craig Wissler	Chair, Ward 3
Thomas Sayler-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Joe Yee	Member, Ward 4
Steven Eddy	Member, Ward 6
Ladd Keith	Member at Large, Ward 6
Rick Lavaty	Member at Large, Ward 1
Quentin Bryson	Member at Large, Ward 2
Joseph Maher	Member at Large, Ward 3
Catherine Rex	Member at Large, Ward 5

Absent:

William Podolsky	Member at Large, Ward 4
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Staff Members Present:

Jim Mazzocco, Planning and Development Services Department, Planning Administrator
Tom McMahon, City Attorney's Office, Senior Assistant City Attorney
Mike McCrory, City Attorney's Office, Principal Assistant City Attorney
Adam Smith, Planning and Development Services Department, Principal Planner
Joanne Hershenhorn, Planning and Development Services Department, Lead Planner,
Belinda Flores-McCleese, Planning and Development Services Department, Secretary
Robin Murdock, City Clerk's Office, Secretary

2. Rescind Previous Approval of Minutes/Legal Action Report from September 21, 2011 and Consider Approval of Revised Minutes/Legal Action Report (Action)

It was moved by Commissioner Bryson, duly seconded, and carried by a voice vote of 10-0 to rescind the Legal Action Report for September 21, 2011.

It was moved by Commissioner Rex, duly seconded, and carried by a voice vote of 10-0 to approve the Revised Legal Action Report for September 21, 2011.

3. Approval of Minutes/Legal Action Report – October 5, 2011 (Action)

It was moved by Commissioner Bryson, duly seconded, and carried by a voice vote of 10-0 to approve the Legal Action Report for October 5, 2011.

4. West University Neighborhood Plan Transition Area Plan Amendment (Public Hearing)

Presentation was given by Jim Mazzocco, Planning and Development Services Department, Planning Administrator, on the Plan Amendment to the West University Neighborhood Plan Transition Area.

Discussion ensued and the Public Hearing was held.

The following people spoke in opposition to the Plan Amendment: Sherry Wiens, Chris Gans, Robert Pitts, Ken Scoville, Eileen Warshaw, Demion Clinco, Russell Moore, Matthew Williams, Richard Mayers, Brian McCarthy, Jonathan Mabry, and LuAnn Barr.

The following people spoke in support of the Plan Amendment: Bob Vint, Tom Warne, Stephen Bus, Lynn Birkinbine, William Hubbard, John Birkinbine, and Mike Noonan.

It was moved by Commissioner Keith, duly seconded, and carried by a voice vote of 10-0 to close the Public Hearing.

Recess: 8:40 p.m.

Reconvene: 8:52 p.m.

All members present as they were at the start of the meeting.

Discussion ensued.

It was moved by Commissioner Bryson, duly seconded, to approve the Transition Area Plan Amendment as recommended by staff, with exception of Sub-Area "C."

Discussion continued.

A substitute motion was made by Commissioner Rex, duly seconded, to accept Option 2 of the Transition Area Plan Amendment as recommended by staff, with the addition of the Historic Preservation Zone (HPZ) demolition review process for the entire Transition Area.

Discussion continued.

The substitute motion was amended by Commissioner Rex to recommend approval of the staff recommendation, with the exception of not including Area "C," but including the HPZ protection on contributing properties.

Discussion continued.

The substitute motion was further amended by Commissioner Rex, duly seconded, and carried by voice vote of 10-0, to recommend approval of the staff recommendation of the West University Neighborhood Plan Transition Area Plan Amendment, with the exception of not including Area "C," adding the southern portion of Area "C" into Area "A" so that what effectively becomes excluded is the northern portion of Area "C," and includes the HPZ protection on contributing properties in the National Historic District.

Recess: 9:23 p.m.

Reconvene: 9:28 p.m.

All members present as they were at the start of the meeting.

5. Group Dwelling Text Amendment (Study Session/Public Hearing)

Presentation was given by Mike McCrory, City Attorney's Office, Principal Assistant City Attorney, regarding the Group Dwelling Text Amendment.

Discussion ensued.

It was moved by Commissioner Bryson, duly seconded, and carried by a voice vote of 10-1 to close the Study Session and open the Public Hearing for the Group Dwelling Text Amendment.

The following people spoke in opposition to the Group Dwelling Text Amendment: Rick Bailey, Von Peterman, Rachelle Bailey, Rebecca Hartzell, Jarrett Reidhead, Bruce Ash, David McEvoy, Mike Finkelstein, Stuart Roberts, and Richard Studwell

The following people spoke in support of the Group Dwelling Text Amendment: Ruth Beeker, Diana Lett, Alice Roe, Curt Ench, Bob Schlanger, J. Lisa Jones, John S. O'Dowd, LuAnn Barr, Steve Prendergast, K. L. Page, Tom Porter, Demion Clinco, and Sheila Hoban.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10-1 to close the Public Hearing.

Recess: 11:45 p.m.

Reconvene: 11:50 p.m.

All members present as they were at the start of the meeting.

Discussion ensued.

It was moved by Commissioner Rex, duly seconded, and passed by a roll call of 8-2 (Commissioners Bryson and Yee dissenting and Commissioner Podolsky absent), to forward the portion of the Group Dwelling Text Amendment related to the definition of a Group Dwelling" to Mayor and Council.

Discussion continued.

It was moved by Commissioner Rex, and duly seconded, to accept the staff recommendation with the exception of on-site parking, and Item "I" be an acknowledgement of non-conforming use, with the conditional-use process be further developed and brought back to the Commission as appropriate.

Discussion continued.

A substitute motion was made by Commissioner Lavaty, duly seconded, and passed by a roll call of 7-3 (Commissioners Bryson, Eddy, and Keith dissenting and Commissioner Podolsky absent) to forward the Group Dwelling Text Amendment to Mayor and Council the recommendation of staff, with the exception of not deleting parking language in Section H, and to allow time for objective criteria in Section I to be developed keeping the language related to conditional use, setting a sunset of one year, and with the addition of more objective criteria to be determined by the City Attorney's Office and Planning & Development Services, with additional consultation with stakeholders before it's sent to Mayor and Council.

6. Land Use Code Simplification Project Articles 4 and 6 (Study Session)

Item continued to the December Planning Commission meeting.

7. Mayor and Council Update

No update given.

8. Call to the Audience

There were no speakers

9. Adjournment

The meeting was adjourned at 12:32 a.m.