

Notification Text Amendment Public Meeting Minutes 8.22.19

The Public Meeting was held on August 22, 2019. Planning and Development Services Department (PDSD) staff gave a presentation to attendees explaining required notice area measurement standards and laying out what options exist to include an abutting right-of-way in the notice area calculations. Attendees were invited to share their opinions, observations and suggestions regarding the proposed amendment. Below is the presentation and the shared opinions, suggestions and observations gathered at the meeting.

COMMENT (C): With notification we really do want to make sure that we are getting public input. A lot of this has to do with the State law and helps us to do some process improvements to figure out ways to make things more efficient.

(C): Background—Spring 2017, House Bill 2116 requires municipal right of way to be included in rezoning protest calculations, 2017-2018, looked like Legislature may make revisions to HB 2116, June 2018 Mayor and Council directed staff to create a measure in line with HB 2116.

(C): Prior to HB 2116 150' rezoning buffer began on the opposite side of a right of way abutting the subject property. After HB 2116, the 150' buffer area now includes the abutting right of away. 150' buffer area has remained the same and not increased.

(C): Protest area vs. Notification area. Protest area is calculated according to State Statute; 150' buffer surrounding and including subject property (w/ an abutting right of way included too) to determine total percentage of protesting properties. 20% or more of total property owners and 20% or more of the total acreage within the protest area need to protest to trigger the $\frac{3}{4}$ vote by Mayor and Council. Notification area is calculated according to City of Tucson's Unified Development Code currently set at 300' notification for rezonings and 1 mile for notification of neighborhood Associations. Letters in support of or denial of the application are taken into consideration for approval or denial of the rezoning.

(C): Current calculation of notification distance under the Unified Development Code process differs from the state mandate. Section 3.2.4.D.2 does not include the municipal right of way in the required notification distance. Generally, City of Tucson has a 50' or 300' notification, depending on the land use process application.

(C): We are proposing to bring the Unified Development Code in line with the state mandate to include the municipal right of way in the distance calculation of required notification area. To follow Mayor and Council's direction; to not decrease the number of individuals notified, the City is proposing to increase the notification distance for 50' required notification area to 100' and 300' required notification area to 400'.

(C): Goals for notification text amendment are to maintain notification at or slightly above current levels, reduce confusion and maintain consistency with state mandate, and streamline mailing process for PSDS by automating creation of labels and maps.

(C): Currently PDSO has one full time position or the equivalent of one full time position manually making mailing labels for all processes. Automating would allow PDSO to re-allocate that full time position.

(C): Analysis of 50' notification calculation area to 75' and 100'.

(C): Staff's analysis included 6 rezoning cases and 4 Design Development Option (DDO) applications. Staff looked at how many parcels notified at 300', 350' and 400' for rezonings and 50', 75' 100' for DDOs. Based on analysis proposed change is 100' for DDO and 400' for rezoning.

ANALYSIS EXAMPLES: Rezoning - Schoolyard Wrightstown Road Rezoning, current standards 115 properties notified, proposed 400' 119 properties notified; Speedway-Campbell Gateway PAD, Current standards 47 properties notified, proposed 400' 58 properties notified; Rezoning 19 properties notified under current standards, 23 properties notified with proposed 400' buffer. DDO – 50' standard 15 properties notified, 100' 21 properties notified. DDO – current standard 7 properties notified, proposed 100' 9 properties notified.

(C): No increase in notification calculation area proposed for neighborhood associations within 1 mile. Analysis shows that generally same number of neighborhood associations will be notified, only when a neighborhood association that is barely within the current 1 mile distance calculation would that neighborhood association likely not be notified under proposed change.

QUESTION (Q): Does that applicant pay for mailings?

ANSWER (A): \$220.00 flat fee for Rezonings, IIDs, things like that. Cost would increase if additional people notified.

(C): Limited notice distance to go from 50' to 100'. Full notice distance from 300' to 450' to include as many people as possible. Making sure that it would be clearly spelled out on the notification that only certain individuals/properties are included in the protest calculation.

(C): If you are right on the edge of a notification distance, there should be flexibility within staff to allow for additional notification if necessary.

(C): The right of way would be included in the distance calculation, increasing the distance calculation is to help accommodate the proposed change to calculate the right of way in the distance notification.

(C): When this house bill first went into effect we were in the middle of Kroger Frys 22nd & Houghton. There were two major road ways and so there was not property to even be notified.

(Q): Can there be a flexible language clause?

(C): Keep in mind that one of the goals is to automate the process.

(C): 450' picks up more properties than the 400'

(C): The more people who have awareness of what is going on the better off we will be.

(C): NoticeTucson is a significant tool for neighborhoods and everyone in the community to be notified.

(C): We did not have some of these tools in place when we established the notice procedure.

(C): The City will be working hard to make NoticeTucson function better and be more user friendly.

(C): Include language in the amendment to the effect of, "further notice may be allowed by PDSD if not all 4 sides of a project are notified".

(Q): What was the directive from Mayor and Council?

(A): Maintain notification at or slightly above current levels, reduce confusion and maintain consistency between state regulations and Tucson zoning regulations, and streamline processes for Planning and Development Services.

(Q): How does this change, or not, the 20% supermajority trigger?

(A): That is set by the state, this would not change the 20% supermajority trigger.

(C): If enough people pick up steam you can see that reflected at the Mayor and Council hearing.

(C): The information provided to the Zoning Examiner and Mayor and Council, shows a map, where everyone is located—even outside the protest area, when they protest, and it includes their protest and has a calculation of all those people saying either within or without. So just because it doesn't trigger that supermajority that information makes its way to Zoning Examiner and Mayor and Council.