

Meeting Notes from June 10, 2019 Stakeholder Meeting related to the proposed UDC Text Amendment to allow for a Concurrent Plan Amendment / Rezoning Process

The Stakeholder Meeting began with each attendee introducing themselves and then a brief presentation by Staff to provide some background information related to the issue. Staff's presentation was organized into the following sections:

- Background information related to the issue
- Existing Process for Plan Amendments and Rezonings
- State Statutes related to Plan Amendments and Rezonings
- Data related to how many Plan Amendments and Rezonings we have had since 2010
- What is done in other municipalities
- Potential Options moving forward and some pros and cons of each
- Example of how a previous case would work under the concurrent process

Comments received from the stakeholder group were the following:

- The proposal given to Mayor and Council is not truly concurrent. For it to be concurrent, the neighborhood meetings should be combined where the Plan Amendment and Rezoning can be discussed together.
- It was stated that there is precedent for combining meetings – for example, the Blind Tiger was a combined meeting.
- Important to have the same amount of public hearings – this is critically important after the state change related to the tabulation of protests and the super majority trigger.
- It is important to provide education as many residents don't know what an area or neighborhood plan is. Neighborhoods need more time in whatever option to research their specific plan.
- It is important that this is optional - maybe there should be a staff approval of the proposal.
- When this was presented to the Planning Commission last time, it was the developer who had the option. Neighborhood needs to be informed and be a part of the decision.
- Pima County has made it more concurrent – I prefer taking option 1. No-one really wants option 2 - Option 1 doesn't take away any options from the neighborhood - costs are a big deal for a developer – we need to consider this.
- Area and Neighborhood plans are really only about Rezonings - Guidance in that plan - Having people to have the ability to have a say – these are the only protections in the Zoning Code - make sure we keep the ability to protect people from.

- TRRG has put together a position paper on this. Not against this idea, but concerned about neighborhoods. Have in here a sequence of neighborhood meetings. First informational, second the community comes back and has a conversation.
- Can the informational meeting be conducted by staff - would like to have staff at the meeting. First meeting could be held by the staff - making people aware of what is going on - what is their plan. People don't feel they got an accurate picture of what they. Look at what Oro Valley does for neighborhood meetings.
- Like that the current pattern is being held - build in checks and balances to the process. WE should keep both reviews as the two boards are entirely different skillsets. The process should be staggered and should have two neighborhood meetings. Have a trigger for the second meeting. Understand that the zoning may expire, but not the plan amendment. No less than 30 days to stagger – addresses the problem with the appeal period. Give time to fix things that may not have been addressed the first time. All these meetings would be helped if city staff is present. Look at a process that looks at the worst case scenario. Speed it up, but allow for meaningful neighborhood meeting.
- We need for education of the neighborhood and residents.
- What happens if PA is approved and RZ is denied? In this one unique situation how do we deal with the PA on this. Can we create a way to revert the PA if the RZ is denied?
- Initial meeting is a difficult public meeting. Any process added adds cost is a problem too that extra cost comes out of a potentially better design.
- There are actually rezonings that are not controversial - even in those we generally have multiple meetings. Caution against regulating extra meetings. Option 1 provides an extra level of scrutiny. Study Session be a joint meeting between the ZE and PC -
- Option 1 seems like the best option. Need to be cautious with what we do. There is the opportunity for staff to educate the public and neighborhoods, for staff to be more proactive with neighborhood liaisons. May be good options for this - may want to look at Oro Valley. Have a whole complete process. Most developers don't want a contentious process.
- Would like to have the ward office at meetings.
- I agree with a lot of the comments that have been made - have worked with developers over the years - good understanding that neighborhood meetings are important. While at sun corridor - speed to market is a big issue for big companies. Would think twice if the process was not a sure process - have pre-meetings set-up.
- Agree with Ruth - educational meeting beforehand - it is a complicated issue. As much communication as the developers may have helps to provide. Like the idea of streamlining.
- Personal experience with Plan Amendments and Rezonings is not good. The real action is behind the scenes. Hesitant to ask staff go to more meetings. Not sure what can be done to

make the neighborhood process useful. Summary doesn't lead to constructive. Hesitant to recommend more meetings.

- If this is an option that speeds things up, why can't we ask for something in return.
- Ultimately neighborhoods don't have a solid team to go and deal with this – need time to understand.

Concurrent Plan Amendment and Rezoning Public Meeting – June 16, 2019 – Sentinel Building – Housing and Community Development

Public Comment 1: It seems to me that when a straight rezoning happens- a strict C-1 to C-2, R-2 to C-1, a neighborhood plan is written knowing what zoning is allowed in that area. A developer might come in and want to make a small change to the zoning and to me it seems it's not really necessary to have a concurrent process for smaller rezonings and minor changes to plans. What a neighborhood might be more concerned about are PAD's because a developer can make many changes all at once- I think the community might want to have more say in what happens in larger projects like that. Some people might feel like the PAD's current process for approval in Tucson allows the developer to ignore the UDC. Neighborhoods and stakeholders would like more assurances about what the developer is actually planning to put there.

Public Comment 2: Many neighborhood plans were developed under older zoning guidelines. The city has changed and made multiple iterations of new zoning codes since neighborhood plans have been made. One big issue in any kind of development in neighborhoods is that residents may not know what the current zonings mean when they are looking at their older neighborhood plans. The zonings in town changed noticeably in 1999.

Public Comment 3: Current system rezoning and plan amendments don't inform one another in some instances. There's such a range of opinions on the outcomes of the current system depending on what development project is being addressed. For instance, the entire city seemed upset about what happened to the monastery and showed demonstrated there can be congruence among community members; in other instances there can be a lot of divergence and confusion about the process. One instance where the community is seemingly confused about the outcome of the current process is the Fry's case. The mayor & council have already decided that the current system is an issue so there may not be a need to study whether or not the current system's outcomes are building consensus.

Public Question 1: Who can initiate a plan amendment?

Public Comment 4: Attendees sound upset that neighborhoods cannot initiate a plan amendment and that they must go through council and public hearing processes. Some want neighborhood associations allowed to initiate a plan amendment. They like the idea of a neighborhood association having the power to make a plan amendment because they feel they do not have a strong voice during public hearings and current protocol.

Public Comment 5: Some feel the current process is really designed for an individual looking to develop or redevelop one specific parcel and this same process is used for all residents and

developers interested in rezoning, getting a variance, plan amendment, or plan update. There is no process for neighborhood associations to update their plans. There should be a separate process for updating or amending neighborhood plans. There are resources other than city staff that can help in updating/amending plans, but the city should still oversee that and have the final say. There should be more public participation in the plan amendment process and all stakeholders (e.g. businesses) should be involved.

Public Comment 6: What we are also seeing is a lack of neighborhood advocates. If there isn't a strong-willed person in the neighborhood that really understands planning processes, neighborhoods end up with a C-3 parcel in the heart of an R-1 neighborhood. TRRG is helping these kinds of neighborhoods, but neighborhoods often end up getting steamrolled. Politics will change over time and so will the attitude of the government towards community engagement- what it was in the 70's, 80's, and now are all different in terms of how neighborhoods are treated by the government. Neighborhoods need to be able to change plans more easily in order to plan for a less-than-certain future.

Public Comment 7: When a lot of these plans were put together, we had a large staff. There were 8 staff members that worked on neighborhood plans. Even then, we could only run 3 or 4 plans at any one time. So, it's no small undertaking to make the neighborhood plan process transparent and robust.

Public Comment 8: During the recession, Tucson lost a lot of funding and development was on the decline, and the county reduced fees for development so lots of money was not going to planning. When we began to see an uptick in development, some community members recognized the need to have good plans so they could direct development the way they would like to see it impact their community. If we see an increase in PAD's, plan amendments, and variances, we need to start directing funding to planning. A meeting participant noted that he's happy that PDS is now hiring again, but the staff is still half of what it was before 2008.

Public Question 2: How many planning commissioners do we have now?

Public Comment 9: There could be 7 or 8 on the commission now, even though there should be 13 people.

Public Question 3: Is the quorum based on the number of filled positions or possible positions? You can't take a majority of the quorum? How do you get that changed?

Public Comment 10: There should be a quorum that runs based on the number of filled positions. It would incentivize people to come to the meetings in order to vote.

Public Comment 11: It's really important to educate all stakeholders on these matters. There should be a trifold or pamphlet that could be handed out to the public pertaining to all of these issues. Develop pamphlets for neighborhood plans, amendments, variances, etc.

Public Comment 12: Keep the present pattern plus an option, don't lose option 2. Develop criteria on where 2 neighborhood meetings would be held and what would be covered. Complex issues could require a second session and further education. Stagger the two processes so they are not less than 30 days, this would help each process inform each other.

Notes Taken During Meeting

- The community would really like to have more information shared about PAD's because they redevelop multiple parcels and often are able to make changes to the UDC because of this

-PAD's are looked at on a case-by-case basis by PDSD. The important thing community members should know is that most PAD's are based off of current zoning, or their initial proposal uses a base zoning. The PDSD would not approve a PAD that is not compatible and appropriate with current land use specifications in Plan Tucson, area plans, and/or neighborhood plans

- Current zoning has changed since neighborhood plans were developed and neighborhood plans contradict current community- and city-wide goals

-The City of Tucson is now currently working on helping neighborhood associations create and update their plans'. PDSD understands that many of the neighborhood plan's intentions are now outdated as land use goals evolved through the years. One major thrust of this meeting was to educate residents on how amendments, rezoning, and variances currently operate at the municipal-level and how these might change in the near future.

- Have there been any studies done on how the current process is favoring residents or developers?

-Some at the meeting mentioned the Monastery as an issue in which the process made most residents of the city upset over how community and cultural resources are dealt with; this proved to the residents in some way that consensus can be reached. Another instance that was brought to PDSD's attention was the Fry's development that is still yet to be constructed. In this instance, the community was more confused as to what was going to happen to the parcel than anything else. The answer the attendants came to was that mayor and council already identified these processes as problematic and should be changed.

- Are there tremendous divisions of opinion at public meetings and how do we know?

-There can always be division, no matter how hard a group tries to build full consensus. The best thing to do is provide education and information to all stakeholders. In doing so, even if someone disagrees, they know the facts and can understand the greater public process.

Questions & Comments (Notes)

- One of the largest concerns addressed at the meeting was that a plan amendment cannot be initiated by a neighborhood association or an Individual. Many of the attendants seemed concerned that this was too developer-friendly and felt as though they should have the power to amend plans so long as they are in compliance with Plan Tucson's goals. As of now, the neighborhood association or the individual would have to bring their concerns to council should they want to initiate an amendment.
- Why not allow a neighborhood association make a plan amendment? It was iterated in different languages multiple time during the meeting that people want to be able to make their neighborhood plan more responsive and reflexive should the future become uncertain.
- There is no way to update plans at the neighborhood-level. This comment was tangential to the questions and concerns listed above. Rebecca Ruopp let the attendants know that there is now a matrix for how to update a neighborhood plan on the PDSD website that contains a robust community participation component.
- The plan amendment process is different at the parcel-, neighborhood-, and city-level. This meeting in large part, probed the possibility of having a more streamlined and uniformed amendment procedure.
- There need to be political will to expedite the current processes. This is an issue that the mayor and council are likely to address. In some ways, PDSD has already mentioned the issue of amendment, variance, and rezoning processes to these political bodies.
- The planning staff has shrunk. This is true in the wake of the recent recession, however, the PDSD has currently hired new employees. Still, the staff is only half the amount of people there were before the recession. The funding of municipal departments is not solely up to the PDSD.
- Educating stakeholders is key to holding fruitful neighborhood association and public meetings. This is true and the PDSD staff has in past run workshops on

various topics relating to public processes. There was mention of the need to have pamphlets and clear outlines of how various public processes work at the meeting. One way PDS is working to better educate the public is through meetings like this one and through email chains like the nugget that provides important information to concerned residents.

- The two processes currently in place to amend a plan, rezone something, or get a variance need to be able to inform one another. One attendant recommended that the two meetings are held within reasonable to times of one another so the two meetings are coherent.

Public Meeting: Concurrent Planning Process, Public Works Building - 6/26/19

- How do we challenge an amendment?
 - There is no form of direct action, by the citizenry, to challenge an amendment. This is because the process has undergone public participation and is already “in the pipeline,” or being studied by city staff and officials. Moreover, PDSB is not a political body in the sense that all proposals and requests to the public that pertain to them are looked at impartially and then sent to public representatives for a final say and feedback. Staff, in other words cannot act on just one person’s or group’s commentary, beliefs’, intuitions’, or opinions’, they typically must be told to look into something by mayor and council. As a result, PDSB attempts to hold public meetings in the hopes of clarifying the greater public process, but cannot act on the citizens’ behalf through conversation alone. The only way to challenge an amendment is through referendum by mayor and council.
- It appears as though the developers have far too many details, in terms of design, then they should have.
 - PDSB and staff are principally concerned with land use. Because of this, designs that come out at presentations or otherwise are likely done by the developer as a means to illustrate their ideas on what might be developed on a potential PAD. What can be said is this: most PAD’s start with a base zoning and go from there. PDSB is not the body that can restrict a design based on aesthetics alone; PDSB has to be impartial and ensure that all designs on a PAD are in compliance with the respective amendment as well as city, area, and neighborhood plans.
- PAD’s appear to be general, but some seem to be too specific.
 - Without specific instances of this being brought to the attention of staff members during the meeting, not much could be done to calm concerns from the citizens. What can generally be said, however, is that design and amendments often take multiple iterations before *final* approval. A citizen may have seen illustrations that were at different stages of the process and that the process itself may ultimately deny a PAD. Again, without a specific project being cited and at what phase the project was in, it was difficult for PDSB staff members to formulate a response to this concern.
- PAD’s should be specific, not vague
 - When a PAD proposal initially comes to PDSB, they are vague. PDSB must make sure that the proposed development is appropriate for the site in question for years to come. PAD’s do ultimately become more specific, but it is unlikely that a developer would hire a professional to draft designs without having the amendment already approved. In short, PAD’s become more and more specific the further they go through the process. PDSB cannot be accountable for the varying levels of specificity that come from the developer at any one time. Some PAD’s are clear-cut and would not require much to get an amendment, while others can be more cumbersome and challenging to decipher if the developer’s proposal is appropriate.
- How does this relate to the current process?

- The short answer is because developers value pragmatism at all steps of the development process. PAD's evolve as the developer is informed on what must change, what must be considered, and what impact fees and additional development costs might be associated with development. Because of this, it is highly unlikely that the developer would draft designs without approval. Businesses and developers alike need some form of certainty in order to develop and the concurrent process is one way in which developers may attempt to get an amendment.
- When PAD's are approved, land values increase regardless of whether or not development occurs.
 - This is typically true. However, the inclination that came from the audience would be that developers would get an amendment only to sell the land to another party. That is possible and nothing could be done to stop this, as per local, county, state, and federal laws. That is likely a slippery-slope fallacy to think that this occurs often or much at all. Those who deal with real property would likely be trying to sell their land as is to a would-be developer. In other words, the developer almost always plays a role with the explicit intent to develop a property for a profit. A land owner or some kind of holdings company have the necessity to sell property for revenue, rarely would they be interested in amending a plan to develop something on it.
- Once the plan amendment has been approved, how often is a rezoning denied?
 - There are very few instances of denial after approval because the current public process typically tweaks the plan in the interest of the public good before final approval.
- It's impossible to talk about plan amendments without talking about rezoning, so holding two separate discussions seems redundant. Perhaps a referendum on one could delay both.
 - The letter and spirit of the law is upheld through this process, though. It could also be irresponsible for both discussions to be put on the table concurrently. Moreover, PDSD cannot change the public process, that is what mayor and council do. As to the possibility of a referendum on one, delaying both, it could be argued that without both an amendment and a rezoning approved, development efforts are essentially hamstrung.
- There needs to be a clear definition of how neighborhood plans work against developers' initiatives.
 - It is the law for cities and counties to have plans, but plans are not laws. The neighborhood plans that are approved by the City of Tucson must compliment county, city, and area plans. Each neighborhood has their own plan that dictates what is allowed in their respective boundaries'. The developer must follow neighborhood plans or PDSD will not recommend a development, or the neighborhood may attempt to have a member of their respective council initiate a referendum, if a developer's plan is farther along in the process. It is important for the neighborhood plan's wording and content to play out in a way that the residents would generally feel comfortable with developers buying land. PDSD staff has a principal planner that is dedicated to helping neighborhoods amend their current plan's. The neighborhood association unto itself is not a legislative body and cannot directly act upon a development in a manner that is recognized by the local government.

Public Meeting: Concurrent Planning Process Meeting, Murphy-Wilmot Library, 6/17

- So, this would eliminate the zoning examiner? The commission has a 3-minute hearing on the process, while mayor and council has a 5-minute hearing. Still, that's not enough time. It sounds like you're getting rid of the people's ability to speak to official at a public hearing. The zoning examiner is more flexible than the chair and hears us out.
 - -This option would potentially have the commission look at the issue at a public hearing as opposed to having the zoning examiner speak with citizens about it. The amount of time that is allotted to each citizen during a public hearing is typically up to the discretion of the chair. Mayor and council as well as other citizens have been happier with option 1 because of the impartialness of the zoning examiner.
 - -This is how the public process currently works. PDSB is not a governing body and cannot change this. Changes in the public process are initiated and then approved by local representatives. PDSB is principally concerned with appropriate land use for years to come and can either recommend or not recommend something to the zoning commission/mayor and council.
- You put the public at a real disadvantage if you don't spell out the process.
 - -This is one of the main reasons PDSB is holding these meetings. What PDSB would like to stress is that plan amendments, rezoning, and PAD's are typically few in number and the applicability of this entire process is minor based on the amount of amendments, 'rezonings,' and PAD's PDSB actually sees coming across their desk each year.
 - -Still, PDSB is looking to clarify this process and receive feedback on the matters from concerned citizens. This meeting has been recorded and documented for consideration in future iterations of concurrent planning processes.
- You get to have neighborhood meetings with the developer and the developer gives you a concept, but you don't see the actual design and permitting process.
 - -The developer typically keeps plans vague until approval by PDSB and the city. This is because the developer is not likely to shell out money on designing an area if they are not already approved. To have a completed design before approval by PDSB, the commission, and mayor & council could be a serious waste of money on the developer's part.
 - -Neighborhood associations could attempt to include more meetings with developers on their own plan or they could come up with a questionnaire format that they ask to all developers to get a better sense of what will be

developed. What PDSO typically sees is a vague plan too and the commission typically sees more specific designs.

- Hearings are a one-sided conversation where I get three minutes to talk about my land.
 - -When coming up with this new process, PDSO was hoping to clarify the two bodies and make a more transparent process on how rezoning and plan amendments are reviewed. It is reasonable to be concerned with the amount of time that one gets with public officials that are making decisions that will impact you and your land. All owners of real property have rights granted to them by federal, state, county, and local laws.
 - -This does not mean that land you own, especially if it is undeveloped land, is immune to developments that are close by that are deemed undesirable by the owner. If land nearby is in fact developed, the owner could look into Proposition 207, approved by the Arizona State Legislature. This proposition makes development that depreciates the value of another person's land unlawful; this may only apply to previously developed land though. Hearings are governed by Mayor and Council, if you would like more time to speak about the matters of development during hearings, it is important for you to urge your local representative to make a change to the hearing process. PDSO does not control how hearings are run.
- It's the neighborhood that's going to be living with this forever, there needs to be more robust public meetings.
 - -PDSO is committed to helping communities get an education on this public process so they are able to make better informed decisions about proposed developments.
 - -PAD's, 'rezonings,' and plan amendments are typically successful due to a robust public process, but community-wide education would be something that PDSO could do to help make a better-informed public.
- Since the concurrent process is optional, can the developer be better educated before meeting with neighborhoods and the public?
 - -That's an excellent idea. PDSO staff remain committed to educating the general public about planning and public processes. Further education is always a great way for both the developer and the citizenry to better understand one another's intents and wishes.
 - -The developer is typically well-informed on local land use plans when they come into initially meet with PDSO and if they are not as informed as required, PDSO staff can help them come to understand what is expected from current zoning and plan policies. As to whether or not the developer could be educated further by PDSO is questionable. If PDSO were prompted by mayor and council, then yes. The issue with formally educating a

developer might be that PDSD could then easily be held accountable for a lack of return on investment from a proposed development if the advice given turns out to affect property value or profitability; still, there may be a way to draft this idea into policy.

- If there aren't details in the development, we have to approve an abstract concept.
 - -The idea of plans, even neighborhood plans, are to determine appropriate land use and development criteria. PDSD understands that concerned citizens feel intimidated by new development in their area but hopes to help better educate neighborhoods and residents that want to know more about the development process. Much like how plans are abstract, so too are initial ideas for developing an area.
 - -If the development is in compliance with all plans and uses land appropriately, there is little reason that PDSD cannot allow a proposal to go forward. Still, the commission as well as mayor and council could deny the proposal. Design is another aspect of the development process that is subject to certain codes and design standards.
- What is PDSD doing that it is no longer enforcing code? Why is there no longer quality documentation?
 - -Without any specific instances of this being brought up during the meeting, PDSD could not formulate a response. PDSD would not knowingly ignore code violations and remains transparent to the public.
- The city has had a bad reputation with businesses in the past and now it seems that the city is going to the other extreme and favoring businesses over the public.
 - -Without any specific motions brought up by mayor and council during the meeting, it is difficult for PDSD to respond to this comment. Perhaps policy has changed; it should also be noted that there is an uptick in development throughout the sun corridor after coming out of the recession.
 - -PDSD is principally concerned with determining whether a proposed development is appropriate for current and future land use.
- Most amendments are on arterial streets. This prompted the topic of the Fry's undeveloped lot. One attendant said, "It was the most corrupt thing I've ever seen."
 - -Fry's has 5 years to go through with their development. If they do nothing within 5 years, the amendment could be void. If development has already started on the parcel, though, they do not have a "sunset" date.
 - -The area that Kroger proposed for development was an appropriate parcel for having a grocery store. Like all other owners of real property, Kroger is entitled to the same land rights given to others under federal, state, county, and local laws. They have not to PDSD's knowledge violated any land use law.
- The Broadway PAD is really small, and many people think PAD's are large areas.

- -PAD's can technically be any size. The idea behind a PAD is to allow a developer to get approval for more specific land uses that would be appropriate and compliment the surrounding area. PAD's are typically the result of the need to have zoning changed to fit an explicit, but appropriate use.
- As a neighborhood, we have to hire professionals to make sense of these issues and it's stretching us thin.
 - -PDS is holding meetings like this in the hopes that citizens can better understand public processes and are looking at options to educate citizens about development in the future.
- "Pro" was fine, the new thing doesn't work.
 - -PDS is unaware of any problems or changes with PRO, but will look into it..
 - -Citizens could contact the City of Tucson's Department of Information Technology for further assistance with this issue.
- I have 400 acres and 1,700 acres, and I only talk about it for a few minutes at the public hearings. We want more of a say in rezoning.
 - -PDS understands that concerned citizens want more engagement with the local government. Still, PDS is not the body that decides the extent to which public officials interact with the general public. The idea behind changing the process was to hopefully formulate a process that was more intuitive to citizens and local government.
- It sounds like there's limited application with the PAD. Is the city able to deny a PAD or is it only the developer that can push for a PAD to go through? Can the city deny a PAD?
 - -The city can deny a PAD if it is not compliant with plans or if it is deemed as an inappropriate use of land. There is limited application with a PAD, there are very few that come through to the city each year. The developer is the only body that can push for a PAD's approval.
 - -If for some reason local officials find an amendment, rezoning, or other development to be wildly unpopular, they may attempt to do something on behalf of the citizens.
- Would you say we'll add more specificity to the PAD's now if the process changes?
 - -The most likely scenario would be that the plan amendment would be general and then the planning commission would see more specificity within the plan conditions.
- Before you have a major power shift, you're going to have these same people decide on the new process? Mayor and council called for this to happen within the last 6 months.

- -The mayor and council did prompt this motion, but it was because they are seeing an uptick in rezoning, plan amendment, and PAD applications coming their way.
- It took 2 years to get the current process finished and now a new one is to be approved within a few months. This leaves us with little time to react to the new proposal.
 - -PDSD was ordered by mayor and council to do this months before the election. Public meetings, like this one, are being held to get feedback from the community.
- There should be at least 2 neighborhood meetings before a development occurs that requires a rezoning, plan amendment, or PAD. I had voiced my concerns at one meeting about a development. Now, there's a new building popping up. I'm not too sure that staff is going looking out for the best interest of the neighborhood.
- Are developers held to an oath?
 - -Generally, no they are not. Ethically, they are obligated to be truthful to the public and honest with their intentions.
- Why not expand notification requirements from 300 feet to 1,000 feet? I say this because 300 feet may only get you notification if you're directly across the street from a development.