

OPTIONAL CONCURRENT PLAN AMENDMENT / REZONING PROCESS

Public Meetings

June 19 & 26, 2019

Background

- **Early 2016** – Mayor & Council (M&C) direct staff to create a concurrent plan amendment and rezoning process
- **May – August, 2016** – Staff reviewed proposal for concurrent plan amendment and rezoning process with Planning Commission – effort was ended due to opposition and limited impact of changes
- **July 10, 2018** – M&C direct staff to reexamine options to streamline current zoning process so that rezoning and plan amendments run together
- **April 23, 2019** – M&C direct staff to review options for an optional concurrent plan amendment / rezoning. Staff provided two options at the time

Plan Amendments vs. Rezoning


▶ Plan Amendment

- ▶ General Plan and Specific Plans provide land use guidance for certain processes
 - ▶ Rezoning, Special Exceptions, etc.
- ▶ If an application does not match the plan, it requires a plan amendment
- ▶ Plans are policy

▶ Rezoning

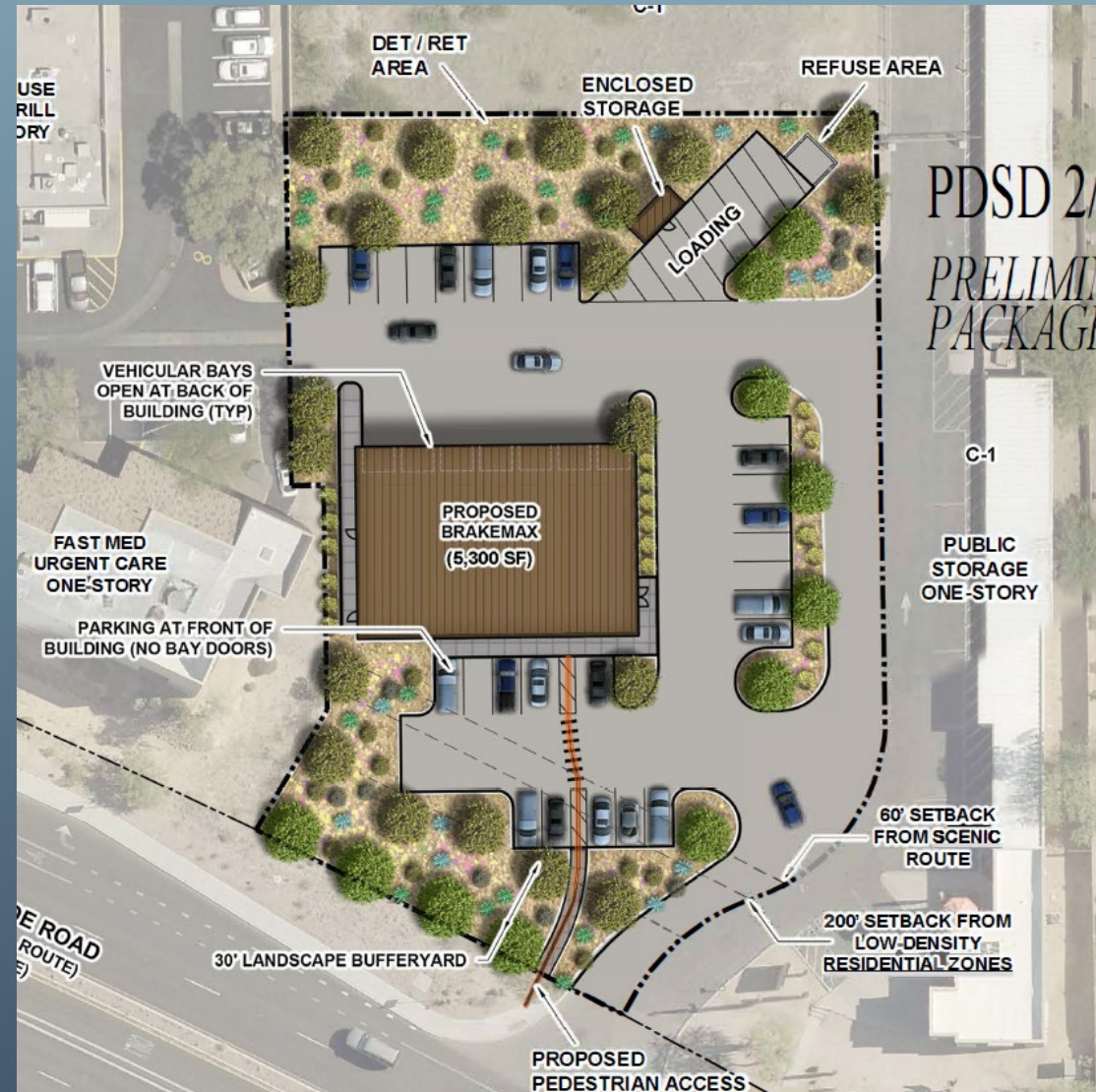
- ▶ Required when land use of proposed development is not allowed in zone.
- ▶ Applicant requests the City to change zoning
- ▶ Zones and Zoning are regulatory

Process prior to Rezoning / Plan Amendment

- ▶ Applicant brings proposal into PDSD for a zoning review –
 - ▶ If the use isn't allowed by Zoning, they are told they need a Rezoning
 - ▶ Applicant schedules a pre-submittal meeting to review proposal for initial code compliance and land use plan compliance
 - ▶ If proposal is not in compliance with land use plans, the applicant is told they need a Plan Amendment prior to starting their Rezoning
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Existing Plan Amendment / Rezoning

- ▶ BrakeMax on Tanque Verde Road
 - ▶ Currently zoned C-1, but need C-2 zoning for automotive use
 - ▶ Required a rezoning
 - ▶ Brought proposal to PDSD for pre-application conference
 - ▶ Told need a Plan Amendment – did not conform to policy related to setbacks in C-2 zones



Existing Plan Amendment / Rezoning Process

- ▶ Step one – Plan Amendment Process
 - ▶ Approximate Length: 6-9 Months
 - ▶ # of Public Meetings: 4
 - ▶ Primary Review Body: Planning Commission & Mayor and Council



Existing Plan Amendment / Rezoning Process (cont.)

- ▶ Step two – Rezoning Process
 - ▶ Approximate Length: 6-9 Months
 - ▶ # of Public Meetings: 3
 - ▶ Primary Review Body: Zoning Examiner & Mayor and Council



State Statutes

▶ Rezoning

- ▶ Option for review by either a Planning Commission or Hearing Officer (e.g. Zoning Examiner)
- ▶ May establish a “schedule of development” length determined by Municipality (ARS 9-462.01.12.E)

▶ Planning Commission

- ▶ Cities have an option to establish a Planning Commission
- ▶ If cities do have a Planning Commission, all Plan Amendments must be reviewed by the Commission

Stats on Plan Amendments and Rezoning – City of Tucson

- ▶ Plan Amendments (since 2010)
 - ▶ Total Number of Plan Amendments: 11
 - ▶ 10 of these Plan Amendments went on to Zoning Examiner for Rezoning
 - ▶ 4 of these Plan Amendments were for PAD zoning designation
- ▶ Rezoning (since 2010)
 - ▶ Total Rezoning Cases: 136
 - ▶ Zoning Examiner Meetings: 18 yearly average
 - ▶ Agenda items: 37 yearly average
 - ▶ Zoning Examiner Meetings per month typically 1 to 2 but sometimes 3 to 4
 - ▶ Agenda items scheduled have been as many as 7 items

What is Done Elsewhere?

Sequential
RZ / PA



Concurrent
RZ / PA

TUCSON, AZ – **Sequential** Plan Amendment and Rezoning Application procedure.

PIMA COUNTY, AZ – Concurrent Plan Amendment and Rezoning allowed if “at least seventy percent of the perimeter of subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation that is equal to or greater than that requested for the concurrent plan amendment / rezoning.”

SAHUARITA, AZ – Plan Amendment must be approved by Town Council prior to scheduling Rezoning public hearing.

ORO VALLEY, AZ – Optional Concurrent Plan Amendment and Rezoning Application procedure.

Potential Option 1

- ▶ Option 1 – Review by existing bodies but allowed to run concurrently
 - ▶ Approximate Length: 8-10 Months
 - ▶ # of Public Meetings: 5
 - ▶ Primary Review Body: Planning Commission, Zoning Examiner & Mayor and Council



Potential Option 2

- ▶ Option 2 – Full review by Planning Commission
 - ▶ Approximate Length: 8-10 Months
 - ▶ # of Public Meetings: 5
 - ▶ Primary Review Body: Planning Commission, Zoning Examiner & Mayor and Council




Potential Options

▶ Option 1

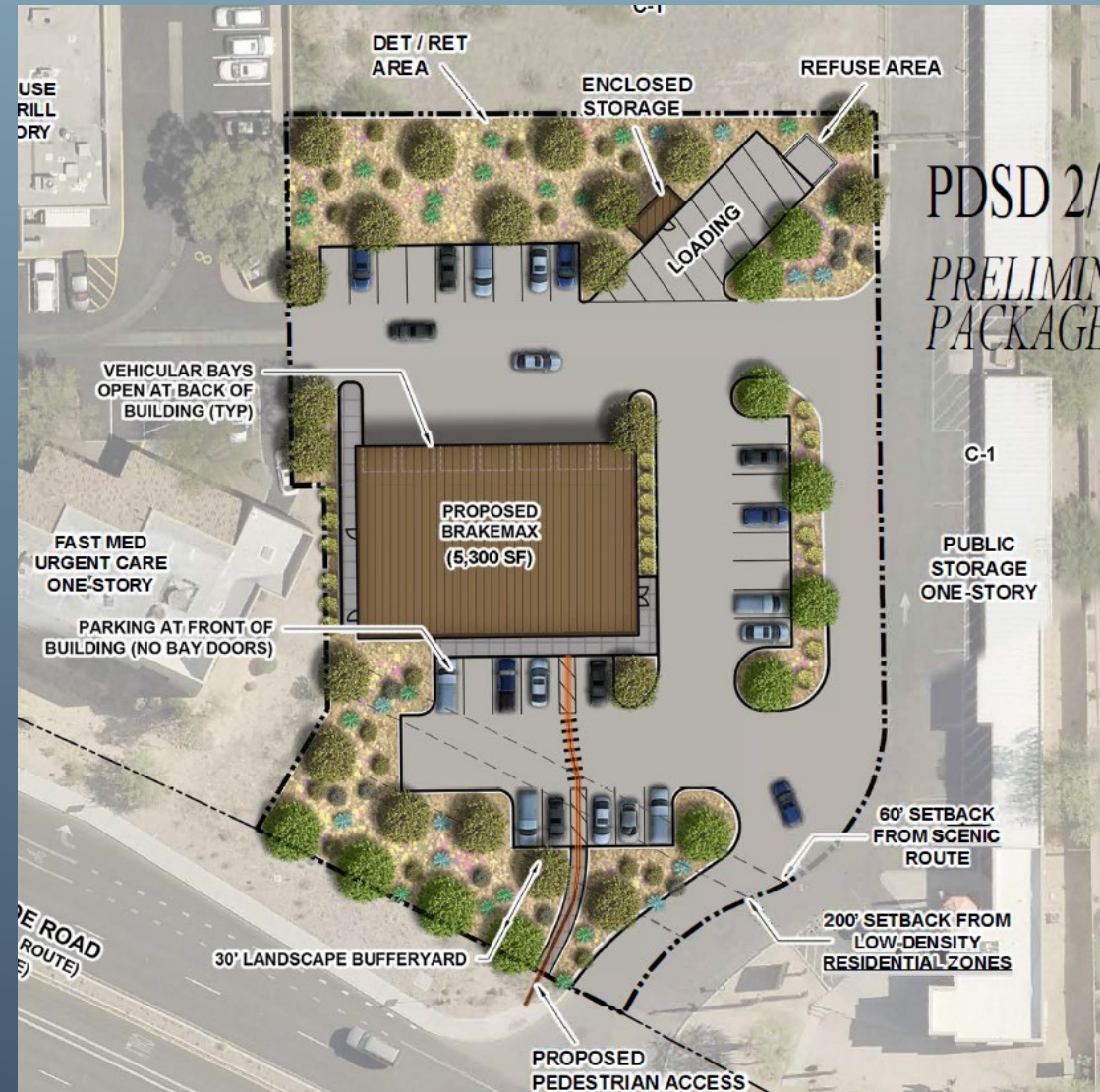
- ▶ Least Complicated Change
- ▶ Fewest changes to existing review bodies and Unified Development Code (UDC)
- ▶ Potential for confusion with two review bodies (e.g Planning Commission & Zoning Examiner)

▶ Option 2

- ▶ Solves the problem of two review bodies
 - ▶ Would require significant changes to UDC and qualifications and duties of the review bodies
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Example of How This Could Work


- ▶ BrakeMax on Tanque Verde Road
 - ▶ Plan Amendment to a policy related to setbacks in C-2 zones
 - ▶ Significant detail in Rezoning proposal
 - ▶ Had an end user for the site



Mayor and Council Direction

- ▶ Reviewed at Mayor and Council Study Session on April 23, 2019
- ▶ Direction included:
 - ▶ Preference for Option 1 (existing review bodies) over Option 2 (Planning Commission review both)
 - ▶ Public Meetings would have separate time for discussion for the Plan Amendment and the Rezoning
 - ▶ Streamline without reducing opportunity for public input
 - ▶ 3-year expiration for PA and RZ

Feedback from Stakeholder Group

- ▶ Preference for Option 1 - current duties remain – the two bodies have different skillsets
 - ▶ Opportunity for both streamlining the process and improving the end product
 - ▶ May want to stagger Mayor and Council meetings on the Plan Amendment and Rezoning
 - ▶ Range of opinion on number of neighborhood meetings, but nearly everyone agreed more education of the public is important
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NEXT STEPS

- ▶ Additional Public Meetings – June 26th
 - ▶ 2nd Stakeholder Meeting - late June / early July
 - ▶ Planning Commission Study Session - July 10th
 - ▶ Planning Commission Public Hearing - late August
 - ▶ Mayor and Council Public Hearing - September or October
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QUESTIONS?

