

TRRG Planning and Development Service Committee

Position Paper on Concurrent Plan Amendment/Rezoning Process Proposal Based on Information provided to Mayor/Council on April 23, 2019 Spring 2019

Tucson Residents for Response Government: Planning and Development Service Committee (TRRG-PDS) supports the Mayor/Council request, made mid-2018, to initiate a concurrent approval process for a proposed development that requires both an area/neighborhood plan amendment and a rezoning. TRRG-PDS views this as an opportunity for all stakeholders to work together to improve both the current processes and the resultant projects. However, various aspects of the City's proposed concurrent process must be addressed prior to its implementation.

Rationale for Concurrent Process

1. The public does not understand COT's current 2-step process. When a project is controversial, the public sees the Planning Commission (PC) hearing as the venue to present their position on the entire proposal. Supporters and opponents alike do not understand the need to craft their arguments to address the specific plan detail which is proposed for amendment. The time which often transpires between the public hearings for the plan amendment and the final rezoning is often years. Public interest wanes and citizens are left believing that it all was settled long ago.
2. Mayor/Council (M/C) approval of the plan amendment is a precursor for M/C approval of the rezoning request. To expect M/C to NOT approve the rezoning at the later time is unrealistic. Unfortunately, that amendment decision is made on limited knowledge of the final project.
3. PC wants to know project details before making its recommendation for a plan amendment. In lieu of details, commissioners have been told they are to evaluate the "concept." Exactly what "concept" means is uncertain, and commissioners recently have requested many more specifics in order to understand their cases. The concurrent process would allow the PC to have details of the project when making decisions about a plan amendment.

Three Areas of Concern:

1. As drafted in proposed text, "the applicant may elect to proceed with concurrent applications for a plan amendment and rezoning." **TRRG-PDS requests that the Neighborhood(s) most impacted by the proposed development must agree to the utilization of the option.**
2. As sequenced in Option 1, "Neighborhood Meeting: Applicant holds neighborhood meeting in which both PA and RZ are presented." This would replace the current UDC requirement of 2 neighborhood meetings. **TRRG-PDS requests that the following procedures define "neighborhood meeting":**

Neighborhood Meeting Requirements for a Concurrent Process

Three parties should have defined, collaborative roles: i) developer making the application; ii) City processing the application; and iii) surrounding area residents/property owners assessing the impact of the new construction and use. Applicant and citizens should be confident that the City staff balances both of their interests. *All three parties should sign off on any meeting summaries submitted to COT.*

Implementing the neighborhood meeting requirements as early as possible in the conceptualization of a proposed project would be time-/money-saving for the applicant while trust-building for neighbors.

First meeting - Developer introduces the public to the proposed project. PDS representative monitors and clarifies COT procedures. Public listens and gathers information.

Second meeting - Public has the opportunity to ask questions of developer and PDS representative and to express opinions about the project.

Third meeting - PDS representative facilitates the development of a mutually acceptable project that will have support when the project comes to public hearing.

Subsequent communications as needed - PDS representative monitors the progression of the project and seeks input from the public for elements not addressed previously.

3. As described in Option 1, "Mayor and Council: Mayor and Council will make two sequential motions: 1. Plan Amendment Approval/Denial; 2. Rezoning Approval/Denial. If PA is denied, RZ request will not be heard." **TRRG-PDS requests that a separate public hearing for the plan amendment be scheduled and the request for a separate public hearing for the rezoning can still be made and will be honored.** It is critically important that Mayor and Council receive separate reports regarding any protests for the Plan Amendment and the Rezoning, also that Mayor and Council vote separately on the Plan Amendment and the Rezoning. Since the Arizona State Legislature has redefined both the protest zone and the supermajority for any vote on a Rezoning, it is very difficult for adjacent property owners to protest a project in a meaningful way. The Plan Amendment is now the one realistic opportunity that community members have to influence a project or perhaps even stop a project. The Plan Amendment and Rezoning must not be combined in a way that deprives community members of their only meaningful input into development.