



Legislation Text

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TO: Mayor Bien-Willner and Town Council Members

**FROM: Jill Keimach, Town Manager
Jeremy Knapp, Community Development Director
Paul Michaud, Planning Manager**

DATE: May 28, 2020 (Tabled from May 14, 2020)

CONTACT:

AGENDA TITLE:

Discussion of Planning Process Applicant Interaction & Public Outreach

REQUEST

During the January 2020 Council development retreat, the Council identified the planning application process interaction and public outreach as one of several priority items for evaluation. Paradise Valley, along with other communities, employ several methods to garner public input on an application that varies depending on the type of application. The Planning Commission focus was limited to mailing radius and sign posting for action meetings. However, Council discussion may be broader to include items such as, and not limited to, early notification and applicant interaction.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended forwarding to the Council the mailing notice radius and property posting as described in Attachment A, Proposed Noticing Table, at their meeting of April 7, 2020. This table categorizes applications into three groups: legislative applications approved by the public body, administrative applications approved by the public body, and administrative applications approved by staff. The vote was 6 to 0, with Commissioner Lewis absent. In summary, this recommendation includes the following related to the Town's planning applications:

1. Mailing Notification Radius

- a. Lower the mailing radius for properties outside the Town limits to match the typical mailing radius for that community (300' Phoenix, 300' Maricopa County, 750' Scottsdale). The applicant may use the Town's mailing radius distance or the neighboring jurisdiction mailing radius for the application type for properties outside Town limits, whichever is lower. The Community Development Director may require a modified mailing radius based on the potential impact of the application request;
- b. Maintain the typical 1,500' mailing radius for legislative applications due to the major changes from the existing condition and/or non-residential nature of most legislative applications. Also, adding a notification policy for annexation;
- c. Have a smaller mailing radius for most administrative applications approved by the public body. Specifically, having a 1,000' mailing radius for Conditional Use Permits,

- Minor Special Use Permits, and Non-Administrative Land Modifications for Special Use Permit-zoned property (e.g. replats, lot splits) due to their predominant non-residential nature and having a 500' mailing radius for residential plat/land modifications; and
- d. Maintain the mailing radius for administrative applications approved by staff at adjoining property owners or no mailing notice depending on the application type.

2. Site Posting

- a. Specify when an application requires a site posting that the applicant use a sign that is 6 square feet in size (2' x 3') placed at 6' tall in the front yard and along any other yard with street frontage, and not placed in the right-of-way; and
- b. Require a larger 16 square-foot sign (4' x 4') for Major and Intermediate Special Use Permit applications.

3. Notification Timing

- a. Encourage the Town Council to examine signage earlier in the application process; and
- b. Maintain the minimum 15-day advance mailing and/or posting of meetings where action takes place for legislative applications and certain administrative applications approved by the public body.

The Planning Commission discussed this topic at its February 18, 2020 and March 3, 2020 work sessions. Their recommendation was continued from the March 17, 2020 meeting date. Refer to Attachment B, Minutes, for more information.

NOTIFICATION

Noticing of the Town's planning applications come from the Arizona Revised Statutes (A.R.S.), Town Code/Zoning Ordinance, and policy direction from the Council, Town Manager, and/or Community Development Director. The Town has and still exceeds the minimum noticing requirements in the A.R.S. Refer to Attachments C, D, E, F, and G for more information

The Council will want to keep in mind that noticing provisions in the A.R.S. cannot be modified by the Council. The noticing provisions in the Town Code require Council approval at a public hearing to amend. The noticing provisions in the Town Zoning Ordinance require Planning Commission recommendation to the Council and its approval at a public hearing to amend. More stringent noticing requirements on applications covered in the A.R.S., Town Code, or Zoning Ordinance have occurred by Town policy; as well as establishing noticing provisions for other planning applications not addressed in the three above-noted documents.

The Town's notification includes both off-site and on-site notification. Off-site notification relates to notification of persons via mail, electronic means, newspaper, and physical postings on the Town Hall bulletin board. Whereas, on-site notification refers to sign posting(s) on the property related to the application request. Although there are some A.R.S., Town Code, and Town Zoning Ordinance provisions related to notification; most notification by the Town is done via policy. Notification rests with both the applicant and Town staff. The applicant does the mailing and posting, with Town staff overseeing and requiring affidavits.

Mailing notice is supplemented with electronic notification. For the Town this is presently AlertPV, the Town's website, and direct email. These electronic methods require that the interested person sign up or contact a staff person. Also, the Town places a notice in the Arizona Republic for several

application types. Newspaper notification reaches a broader audience. The primary focus is to notice nearby property owners. The mailing notice is sent to property owners mailing address using the Maricopa County Assessor website. Mailing notice is not typically sent to renters or homeowner associations.

The recommendation for larger sign postings from the existing 11" x 14", 3' tall signs are intended to visibility aid a person passing the subject site about an application. Unless directed otherwise, hearing/public meeting signs would occur for legislative applications and a few administrative applications as have been done in the past. The 2' x 3' sign is also suggested for hillside committee applications. Hillside applications represent approximately two-thirds of the total applications needing sign postings. Most hillside applications are on local streets. However, the 2' x 3', 6' tall sign is the same size as the building permit identification sign used throughout the town limits. Benefits of a larger and taller notification sign allows more space to include information, a sturdier sign, and larger easier-to-read font sizes. Use of a larger 4' x 4', 6' tall sign, for only Intermediate and Major Special Use Permit amendments, limits more impactful signage to non-local streets as most SUP properties front along a non-local street, with only a handful of SUP properties having secondary access on a local street. Attachment I, Sample Notification Sign Details, provides preliminary sign detail for a 2' x 3' hearing/public meeting sign and an early notice sign for Council discussion. A larger 4' x 4' sign would have the same content as the 2' x 3' hearing/public meeting sign, with larger font. The intent is to provide a consistent color and look for the Town's notification signs.

NOTIFICATION TIMING - EARLY NOTIFICATION

The Planning Commission encourages the Council to examine signage earlier in the application process. During the January 2020 Council retreat, Council suggested providing some sort of notice after the application is filed and deemed complete. The general direction is to require a sign posting, notice on the Town's website, and/or possibly a limited form of mailing/postcard or other notice after the application is filed and deemed complete. Staff looks for Council direction on early notification.

APPLICANT - RESIDENT INTERACTION

An applicant has several ways to provide information and participate. The primary focus of the process review to date has been on notification, not specifically methods of engagement. Engagement is generally participation in a neighborhood meeting setup by the applicant, direct contact with staff to discuss the application, and/or participation in a meeting on the application at Town Hall or virtually in the current environment. The applicant can provide any reports, analysis or other material applicable to their request, with staff and the public body guiding them as to the material required or helpful to render a decision. Throughout the application process there is regular dialogue between an applicant and staff. The applicant is encouraged to reach out early and often to residents and other interested parties.

Many of the items brought up about applicant and resident interaction relate to procedural aspects of the application process during the public body review phase(s). A preliminary list of these procedural items include the following:

- Submit complete application materials for a study/work session within a specified period before the meeting date. The general rule followed today is for any meeting that staff needs at least 10 working days prior to the packet going out to review all applicant submitted material since the packet goes out at least 4 working days before the meeting. Overall, this approach generally works.

- Provide written guidance via policies in the public body rules and procedures on acceptable ways to address unanticipated new material and comments. Earlier notification to residents will mitigate some of the revised material, plan changes, and public comments before a meeting that drive stipulation changes; but will not eliminate this normal dynamic part of the application process. Many applications have specific timing requirements by code, advertised meeting dates that cannot be changed once notice is sent, or other reasons action needs to occur despite having to work through new information. Oftentimes, a continuance occurs to respond to new information that cannot be addressed.
- Allow for applicant input during the Statement of Direction (SOD) process. Unlike a study/work session, a SOD includes an action component. Preliminary direction is to integrate the following steps with the staff presentation of (1) staff technical presentation, (2) applicant vision and narrative, and (3) staff/Council question and answer.
- Consider requiring the Citizen Review Session earlier in the process. The Town Code/Zoning Ordinance requires rezoning, Major and Intermediate Special Use Permit amendments, and text amendments to the Zoning Ordinance include a Citizen Review Session at least 10 days before the recommendation action by the Planning Commission. Consideration for at least 28 days would allow time to address public input and discuss the Citizen Review Session at a work session before taking action.
- Evaluation of technological means for notification and/or engagement. The Town has over time employed the use of technology like live stream video of meetings and use of electronic devices for packet distribution. Council may wish to discuss any short-term and long-term uses of technological means for notification and/or engagement.

NEXT STEPS

As needed, this item can be discussed at future study session(s), with direction given to staff on modifications to Town policy and/or code changes to bring forward.

ATTACHMENTS:

- A. Proposed Noticing Table
- B. Minutes
- C. Arizona Revised Statute Noticing
- D. Town Code/Zoning Ordinance Noticing
- E. Town Staff Noticing Document (Current)
- F. Town Staff Noticing Documents (Prior)
- G. Existing Notification Background
- H. Other Community Noticing
- I. Sample Notification Sign Details
- J. Presentation