



## Legislation Details (With Text)

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**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
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**DATE:** March 3, 2020

**DEPARTMENT:** Community Development

### **AGENDA TITLE:** **Discussion of Noticing for Application Requests**

#### **UPDATE**

The Planning Commission discussed noticing related to the Town's Planning Division applications at its February 18, 2020 work session. In summary, the Planning Commission gave the following direction to staff:

- To come back to the Planning Commission with a multi-tiered mailing radius based on application type. The mailing radius suggested was 500', 1,000', and 1,500'. Attachment A uses the application tables from the February 18<sup>th</sup> presentation, which is a modified version of the current Town staff document for noticing on the various Planning Division applications. This table groups the application types into three categories: legislative applications approved by the public body, administrative applications approved by the public body, and administrative decisions approved by Town staff. The yellow highlighted cells indicate areas of proposed changes to Town policy, with the last column an explanation of the suggested change.
- The mailing notice recommendation is to retain the 1,500' mailing radius for all of the legislative applications approved by the public body, with the exception of the annexation application noted below. In part, the reasoning behind this suggestion is that these applications make major changes to an existing condition, modify the General Plan, and/or

address non-residential uses. Annexation is not addressed by Town Code/Zoning Ordinance or in the current Town staff document for noticing on the various Planning Division applications. Attachment A suggests enhanced mailing noticing above Arizona Revised Statutes for annexation. The two most likely areas for consideration of annexation include the main parcels of the Franciscan Renewal Center and the residential area of Clearwater Hills as both are county islands within or directly adjacent to the Town.

- The mailing notice recommendation for administrative applications approved by the public body has the most recommended changes, with a couple applications at 1,000' and most at a 500' mailing radius. The Minor Special Use Permit and Conditional Use Permit recommendation is 1,000' mailing radius, which is larger than the 500' mailing radius prior to 2017. Staff suggests a larger mailing radius for the Minor Special Use Permit and Conditional Use Permit due to its predominate non-residential nature. For similar reasoning, the suggestion is to use a 500' mailing radius for the plats and land modifications on administrative applications approved by the public body as these applications tend to be residential in nature and already have zoning approval.
- There are no suggested mailing radius changes for administrative decisions approved by Town staff.
- The Planning Commission indicated general support for a reduction in the mailing notice radius outside Town limits to match the notice radius of the adjoining jurisdiction. Note 2 in the table of Attachment A recommends that the applicant can lower the mailing radius for properties outside the Town limits to match the typical mailing radius for that jurisdiction of 300' for the City of Phoenix, 300' for Maricopa County, and 750' for the City of 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 Planning Commission indicated general support for an increase in the size of the posting sign for planning applications. The current posting sign is 11" x 4" and 3' tall. Note 1 in the table of Attachment A recommends when an application requires a site posting that the applicant use a sign that is 6 square feet in size (2' x 3') at 6' tall in the front yard and additional signs along any other yard with frontage, not placed in the right-of-way. Staff suggests the applicant use a larger 16 square-foot sign (4' x 4') for at least Major and Intermediate Special Use Permit applications and rezoning applications (and possible Major General Plan amendments if it applies to a specific site and/or annexation). The 2' x 3' sign matches the current Town building permit construction sign specifications. The larger 4' x 4' sign is similar to the City of Scottsdale, an adjoining community to the Town and half the size of a typical plywood sheet (4' x 8'). Based on further direction, Town staff will prepare sign spec sheets that an applicant can bring to a sign vendor.
- Attachment B includes two site examples, St Barnabus near the Town limits and Lincoln Plaza Medical Center at the Town limits using various mailing radius numbers. The two examples show a 40% and 55% reduction in the number of parcels moving from a 1,500' radius to 1,000' radius and a 75% and 95% reduction in the number of parcels moving from a 1,500' radius to 500' radius. The reductions vary due to the number of parcels nearby, the size of the parcels, whether there are condominiums nearby, and other factors. For apartment complexes under common ownership the required noticing is only for the underlying property owner and not individual units occupied by renters. There may be instances an applicant may voluntarily notice renters in an apartment complex. However, the official mailing list comes from the Maricopa County tax parcels records. In the two examples given, the allowable reduction of 750' mailing radius into the City of Scottsdale has almost no impact on the St Barnabus example. However, for the Lincoln Plaza Medical Center example it has an approximate 25%

reduction in the number of parcels. It is suggested the Planning Commission consider if this reduction is appropriate considering the Town's desire for public input and transparency.

## **BACKGROUND**

The Planning Commission identified several policy and/or code change items for the Town Council Retreat held on January 30, 2020. One of the items Town Council asked staff to bring forward to them in March 2020 are suggestions to improve the planning process applicant interaction and public outreach. As such, Town Council directed staff to have the Planning Commission discuss and provide feedback on the Town's noticing policies and requirements.

Noticing of the Town's planning applications come from the Arizona Revised Statutes, Town Code/Zoning Ordinance, and policy direction from the Town Council, Town Manager, and/or Community Development Director. Historically, the Town has and still exceeds the minimum noticing requirements in the Arizona Revised Statutes.

The February 18, 2020 Planning Commission work session includes attachments on the relevant statutes on noticing for planning applications, a summary of the noticing requirements in the Town Code/Zoning Ordinance, the current Town staff document for noticing on various planning division applications, prior Town staff documents for noticing, and information on select noticing in other nearby communities. February 18<sup>th</sup> meeting material is available at <https://paradisevalleyaz.legistar.com/Calendar.aspx>.

The Planning Commission will want to keep in mind that noticing provisions in the Arizona Revised Statutes cannot be modified by the Town Council or Planning Commission. The noticing provisions in the Town Code require Town Council approval at a public hearing to amend. The noticing provisions in the Town Zoning Ordinance require Planning Commission recommendation to the Town Council and Town Council approval at a public hearing to amend. More stringent noticing requirements on applications covered in the Arizona Revised Statutes, 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 noticing for most applications are by policy and can be modified relatively quickly.

## **ATTACHMENTS:**

- A. Proposed Noticing Table
- B. Mailing Notice Examples