



Legislation Text

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TO: Chair and Planning Commission

FROM: Jeremy Knapp, Community Development Director
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DATE: March 17, 2020

DEPARTMENT: Community Development

AGENDA TITLE:
Recommendation of Noticing for Application Requests

RECOMMENDATION

Although no formal recommendation is required related to the Town's noticing policies, the following recommendation by the Planning Commission will aid the Town Council in its upcoming discussions regarding applicant interaction and public outreach in the planning application process.

The Planning Commission recommends forwarding to the Town Council the mailing notice radius and property posting as described in Attachment A, Proposed Noticing Table. In summary, this includes the following:

1. Lowering 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.
2. Maintaining 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.
3. Reducing the mailing radius for most administrative applications approved by the public body. Specifically, having a 1,000' mailing radius for Conditional Use Permits and Minor Special Use Permits due to their predominant non-residential nature and having a 500' mailing radius for plat/land modifications.
4. Maintaining the mailing radius for administrative applications approved by staff.
5. Specifying 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 front yard and along any other yard with street frontage, not placed in the right-of-way. Requiring a larger 16 square-foot sign (4' x 4') for Major and Intermediate Special Use Permit applications.

UPDATE

The Planning Commission discussed noticing at its February 18, 2020 and March 3, 2020 work sessions. Based on the last discussion by the Planning Commission, there were no suggested changes to the mailing notification radius and posting presented at that meeting.

There was one point staff that requires Planning Commission direction, this relates to the mailing radius for non-administrative land modifications on a Special Use Permit property. The current policy has a 1,500' mailing radius. Whereas, a Minor Special Use Permit which is likely more impactful than a non-administrative land modification has a 1,000' mailing radius and plats have a 500' mailing radius.

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 18th and March 3rd 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. Minutes
- C. Presentation