



Requesting Department:
Development Services

TO: Planning and Zoning Commission

THRU: Brett Burningham, Development Services Director

FROM: Erik Swanson, Planning Administrator
Laney Corey, Planning Intern

RE: **Public Hearing and Possible Action on P22-0033 Neighborhood Meeting Requirements Zoning Ordinance Text Amendment**, a staff initiated text amendment to the Zoning Ordinance recommending flexibility for alternative neighborhood outreach and meeting procedures.

DATE: March 9, 2022

STAFF RECOMMENDATION

The request is for a staff initiated text amendment to the Zoning Ordinance recommending flexibility for alternative neighborhood outreach and meeting procedures. Staff recommends approval of P22-0033 Neighborhood Meeting Requirements Zoning Ordinance Text Amendment.

PROPOSED MOTION

Move to recommend approval of P22-0033 Neighborhood Meeting Requirements Zoning Ordinance Text Amendment.

RELEVANT COUNCIL GOAL



DISCUSSION

The Zoning Ordinance requires applicants to hold a neighborhood meeting for all Rezoning, Conditional Use Permit, and Variance cases prior to its scheduled hearing date. The purpose of this requirement is to allow surrounding property owners a chance to review development proposals and resolve potential conflicts with applicants before the required hearings. Given the changes to both neighborhood meetings and public hearings as a result of Covid-19 and the shift to using digital platforms for public engagement, Staff is proposing an amendment to the Zoning Ordinance codifying alternative outreach opportunities and a citizen review process. Required neighborhood meetings will be evaluated on a case-by-case basis and depending on the request, surrounding area, and impact to adjacent uses and developments. The alternative citizen review process may include a letter to all adjacent property owners

describing the request including contact information for the development team and staff, digital outreach, or other options as approved by the Planning Administrator.

Staff is recommending consideration of the alternative citizen review process to enhance current outreach procedures and utilize digital outreach methods. In addition to mail notification, applicants will be required to provide Staff with an application summary to be reviewed by the Planning Administrator and posted on the town website. As with traditional neighborhood meetings, any citizen input will be summarized and reported to the respective boards that review the applications. The intent of the text amendment is to provide alternative outreach methods if the request warrants. The amendment does not eliminate the need for neighborhood meetings.

The proposed amendment shall read:

3.1.C.1.d:

- d. At the discretion of the Planning Administrator, an alternative citizen review process may be considered request depending on the request, surrounding area, and impact to adjacent uses and developments. The alternative process shall consist of the following:
- i. The written notice described in this section 3.1, except that the notice shall include the name, address and phone number of the member of the planning staff to whom an adjacent landowner or other potentially affected citizen, as determined under section 3.1, may contact to express any issues or concerns that the landowner or citizen may have with the proposed application, in addition to the applicant.
 - ii. One electronic/digital method of outreach at least fifteen (15) days prior to the neighborhood meeting in accordance with standards specified by the Town of Queen Creek. The method and content shall be reviewed and approved by the Planning Administrator prior to implementation. The outcome of the neighborhood meeting/outreach shall be included in any staff report presented to public hearing bodies. The Planning Administrator or designee shall post or require to be posted the notice on one or more online platforms as deemed necessary.
 - iii. A staff report summarizing any issues or concerns so expressed, which shall be presented to the Planning and Zoning Commission and Town Council at such time as they take action on the application, and the applicant at a reasonable period of time prior to the public hearing.

After providing the required notifications, the applicant shall submit to the Planning Administrator a copy of the mailing list, a photograph of the sign, a copy of the electronic/digital methodology and a notarized affidavit of notification; said affidavit shall be in a form prescribed by the Town of Queen Creek.

This enhancement to the citizen outreach process is generally consistent with surrounding jurisdictions including Chandler, Gilbert, and Mesa. Additionally, the proposed amendment will not be affecting mail notification requirements, as all applications will still be required to notify property owners at a distance determined in Table 3.1-1 in the Zoning Ordinance.

ATTACHMENTS

1. Zoning Ordinance - Redlines

ARTICLE 3 – ZONING PROCEDURES

1.0 Zoning Procedures

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3.1 General Procedural Requirements

A. *Application Process and Official Filing Date.*

The specific procedures followed in reviewing various Applications for Development Approval differ. Reference shall be made to the appropriate section in this Ordinance which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have three (3) common elements: submittal of a complete application, including required fee payment along with appropriate information; review of the submittal by appropriate Town staff, agencies and boards and required public notifications; and, action to approve, approve with conditions, or deny the application.

1. *Pre-Application Conference.* The applicant shall meet with the Planning Administrator or his or her designee to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application. All applications require pre-application prior to formal application. This requirement may be waived by the Planning Administrator due to special circumstances.
2. *Application Materials.* Current application materials are available in the Development Services Department. Applications may be made available by other electronic means also. Materials may be picked up during normal business hours. The Development Services Department may publish an application schedule which prescribes the deadline

for submitting an application to the Planning Commission or the Town Council. Completed applications shall be filed according to the published schedule of the Development Services Department. Such applications shall be filed and reviewed by staff in advance of any public hearing or public meeting required pursuant to this Ordinance or the A.R.S.

B. *Fees.* Where referenced in this Ordinance, applicable fees shall refer to the established fee schedule adopted by Town Council as modified from time to time. A current copy of the fee schedule is on file with the Development Services Department.

C. *Public Outreach Procedures.* The purpose of the public outreach process is to bring together interested and affected individuals, organizations, agencies and other governmental entities; to inform them about the projects and goals; to include them in the decision making process; to consult, or seek input or exchange information on plans and projects and involve them in an ongoing dialogue about the future of the Town. It shall be the applicant's responsibility to provide a signed and notarized affidavit confirming that all notice requirements have been met.

1. *Neighborhood Meeting.* The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review preliminary development proposals and solicit input and exchange information about the proposed development with the intent to resolve potential conflicts prior to the required formal hearings. A neighborhood meeting shall conform to the following standards:

- a. One (1) or more neighborhood meetings shall be required for all Rezoning's, Conditional Use Permits, Variances and other cases as determined by the Planning Administrator or his or her designee.

ARTICLE 3 – ZONING PROCEDURES

- b. At least one (1) neighborhood meeting shall be held at least fifteen (15) calendar days prior to the scheduled Planning Commission Meeting.
- c. *Mail Notification.* Mailing a notice by First Class Mail shall be provided by the applicant not less than fifteen (15) calendar days prior to the date of the Neighborhood Meeting to all property owners of record, and property management associations, homeowners associations, and any neighborhood associations on record with the Town at a distance determined in **Table 3.1-1**.
- d. At the discretion of the Planning Administrator, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist of the following:
- e. The written notice described in this section 3.1, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom an adjacent landowner or other potentially affected citizen, as determined under section 3.1., may contact to express any issues or concerns that the landowner or citizen may have with the proposed application.
- f. One electronic/digital method of outreach at least fifteen (15) days prior to the neighborhood meeting in accordance with standards specified by the Town of Queen Creek. The method and content shall be reviewed and approved by the Planning Administrator prior to implementation. The outcome of the neighborhood meeting/outreach shall be included in any staff report presented to public hearing bodies. The Planning Administrator or designee shall post the notice on one or more online platforms as deemed necessary.
- g. A staff report summarizing any issues or concerns so expressed, which shall be presented to the Planning and Zoning Commission and Town Council at such time as they take action on
the application, and the applicant at a reasonable period of time prior to the public hearing.
- h. After providing the required notifications, the applicant shall submit to the Planning Administrator a copy of the mailing list, a photograph of the sign, a copy of the electronic/digital methodology and a notarized affidavit of notification; said affidavit shall be in a form prescribed by the Town of Queen Creek.
- i. *Site Posting.*
 - 1) The development site shall be posted by the applicant with at least one (1) sign having a minimum sign area of sixteen (16) square feet with black copy/lettering on a white background, not less than fifteen (15) calendar days prior to the public meeting. Such signs shall be clearly legible and wherever possible, placed adjacent to the right of way of a public street.
 - 2) Sites that exceed five (5) acres in size and / or have frontage on more than one (1) street shall post a sign having a minimum sign area of sixteen (16) square feet with black copy/lettering on a white background, not less than fifteen (15) calendar days prior to the public meeting. Additional signs at the rate of one (1) additional sign per every ten (10) additional acres, or one (1) sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible, placed adjacent to the right of way of a public street.
 - 3) The site posting shall contain the date, time, and location of the neighborhood meeting, a summary of the request, and shall also have contact information for the applicant's representative.
 - 4) It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property and remove the sign after the neighborhood meeting has been completed.