

Zoning Code Rewrite Task Force – APPROVED Meeting Minutes for 6/11/14

1.0: Call to Order	Ernest Whitehead called the meeting to order at 6:00 p.m.
2.0: Roll Call	Task Force members present included Councilwoman Chapados, Ronald Batt, Ernest Whitehead, Vincent Manfredi, Bob Marsh, Ted Yocum, JoAnne Miller, Linda Cheney, Phyllis VonFleckinger and Ryan Atwood. No current members were absent. Staff members present were Dana Burkhardt – Planning Consultant, Kazi Haque – Zoning Administrator, Rudy Lopez – Senior Planner, and Chief of Police, Steve Stahl. Please see attached sign-in sheet for a list of guests in attendance.
3.1: <u>Meeting Minutes from 5/7/14</u>	<p>Member Cheney expressed concern that the minutes did not reflect enough information on statements made at the 5/7/14 Task Force Meeting, and requested a continuance of the item and for staff to provide greater details of the discussion. Dana Burkhardt explained that the scope of the meeting minutes for a City Council Task Force Committee are limited to the recording of the motions and formal actions made by the Task Force. He further explained that the meeting audio was recorded and is available to the public.</p> <p>Councilwoman Chapados moved to approve the meeting minutes, seconded by Member Manfredi. Motion passed with an 8-2 vote to APPROVE the meeting minutes.</p>
Agenda Item 4.1: <u>Zoning Code Final Draft Review Discussion of updates requested from 5/7/14 meeting.</u>	<p>Chairman Whitehead introduced the item. Planning Consultant Dana Burkhardt then gave an overview of the Staff memo which includes direction from the Task Force at the 5/7/14 meeting. The following updates to the draft Zoning Code are as follows:</p> <ol style="list-style-type: none"> 1) the staff recommended revisions included in the May 7 Staff Memo; 2) general edits to the terminology and definitions as requested by the City's legal counsel; 3) the Task Force recommendation to delete Article 402 Adequate Public Facilities; 4) clarification of the proposed PAD Zoning provisions to apply to all "new" applications or "new" requests to amend existing PAD's; and 5) 5/8/14 recommendation from Heritage Advisory Committee to approve MU-H Zoning District language with direction to modify the Mixed-Use Heritage Zoning District to an Overlay Zoning District, and modify the provision (304.03 I.3.a) that would permit existing residential properties in the Heritage District to encroach into existing setbacks with compliance to Pinal County Health Department septic system requirements. <p>Dana Burkhardt noted that additional public comment was received in the 24 hours prior to the meeting and those comments were distributed to the Task Force members. The Task Force then discussed each Series of the draft Code in consecutive order.</p> <p>Series 100: Member Cheney expressed concerns that existing approved PAD's being grandfathered, Section 101.04 K, "What happens to an existing PAD Overlay if you have existing hard zoning property with an existing PAD Overlay and an owner requests to amend a portion of an existing PAD Overlay under the proposed new code, which would now be considered a "PAD District" (not an overlay as exists in the current code). Does the Overlay change to a PAD District?". Dana Burkhardt responded that both options function the same and there are no intended changes to the overlay based on the new code procedures for a PAD District. The details of how</p>

	<p>a PAD Ordinance is written for such amendment will need to be explored at the time of an amendment request, but there is no intended change or affect to existing PAD Overlays or future amendments to those PAD's.</p> <p>Member Cheney stated that she shares the concerns out lined in the letter from Cameron Artigue of Gammage & Burnham, PLC dated June 10, 2014.</p> <p>Series 200: No Questions or discussion by the Task Force</p> <p>Series 300: Member Von Fleckinger requested that Off-Track Betting be removed from the prohibited uses in Article 302 TC Transportation Corridor Overlay. Task Force reviewed all of the prohibited uses and came to a consensus that only the Off-Track Betting be removed from the code, to allow within 150' of the Transportation Corridor Overlays. Task Force also came to consensus that General Industrial Uses within the TC Overlay may be permitted, however, the language should be modified to only allow the indoor portions of industrial uses and facilities, such as offices and parking be permitted within the first 150' as measured from the ROW line, all outdoor industrial uses and activities shall be located beyond 150' from the ROW.</p> <p>Task Force opposed the inclusion of Article 301 MLUP Master Land Use Plan required Overlay because it does not accomplish the stated purposes.</p> <p>Series 400: Article 402 Adequate Public Facilities is recommended for removal by the Task Force</p> <p>Series 500: Member Cheney requests staff review 502.11 B Permit and Approval Extensions. Task Force recommends to modify this code to delete "approvals" so the Zoning Administrator does not have the administrative authority to extend Zoning approvals that have not met the conditions of approval to develop in a timely manner, if such conditions exist; and, add language in 502.13, Revocation of Permits and Approvals, to reference statute for procedures for revoking or rescinding zoning approvals.</p> <p>Member Yocum requested the Tables 501.11, 502.06 and 502.13 be revised to be consistent in their descriptions of Major and Minor Development review permits, the Task Force supports this revision.</p> <p>Member Cheney recalled comments from public, Jackson Moll of HBACA, suggested to exclude a formal approval process for design review, such as a "Zoning Permit", for identifying approved standard home plans and elevations. Dana Burkhardt explained the City has an obligation to maintain records of permits and approvals and the zoning Permit is the most basic form of approval and clearance that the Development Services Dept. can issue.</p> <p>Member Cheney requested a discussion on the procedures for rezoning of properties after Annexation, in response to a letter of concern received from a developer, Scott Cole. Dana Burkhardt recommended the deletion of the language included in 511.03 B and revise to reference the statute requiring cities to rezone annexed properties.</p>
<p>Agenda Item 4.2: <u>Zoning Code Final</u> <u>Draft Review Public</u> <u>Comment</u></p>	<p>Chairman Whitehead introduced the item and opened the meeting up for public comment.</p> <p>Scott Cole, represents two projects: Hartman Ranch w/in the City & Santa Cruz Ranch which would like to annex to Maricopa. He mentioned 3 areas of the draft code that need further revision before going forward to P&Z:</p> <ol style="list-style-type: none"> 1) Annexation Section that was just discussed with an additional concern

- 2) Expiration dates for new zoning cases and pre-plats;
- 3) Grandfathering existing projects within the city which have received zoning and how the new draft code affects them

Mr. Cole stated that the draft code contains major economic disincentives. Regarding his concern for annexation rezoning timeframes, – the requirement to rezone property within 6 months of annexation has been addressed. Does this mean that the City has to scrap the existing County Zoning after annexation and adopt City Zoning?

His second concern is that being a young City, Maricopa has to try harder to be welcoming to new development to attract projects to move the city in the direction it would like. Home builders want to purchase entitled projects ready to go for construction, without “time bombs” or potential for expiration due to project inactivity. The only time projects should be required to be redesigned or updated is to meet new hydrology, traffic, or life safety issues. Basic core zoning (PAD’s) should be intact and not expire. “It needs to be easier here than in other communities and not have time stipulations.”

Mr. Coles third concern is for projects with existing entitlements. If a developer wants to request an extension of a preliminary plat or existing PAD under the new code, they have to run through the new code to determine what changes need to be made to the existing plans. There should be a new section in the new code that affirmatively grandfathers existing zoning without the application of any new codes or at least the core provisions. Staff has legitimate concerns that things change and things need to be updated such as traffic reports and this should be specified in the new code. Mr. Cole stated that the City should lengthen the period of time of expirations for preliminary plats.

New zoning cases and existing zoning cases time stipulations should be revisited. A new Zoning code should not necessarily rezone existing projects. If there are time stipulations in the code, the presumption should be that the projects will receive an extension if they have to request such an extension.

Member Cheney and Scott Cole explained that the rules of transition section 101.06 are unfriendly to the development community and wish the provisions could be further reviewed.

Scott Cole believes there are more sections of the code that are equally unfair to existing approvals and believes that additional sections could be added to further establish rules for grandfathering existing zoning approvals.

Chris Webb, from Rose Law:

Thanks the Task Force for their efforts. Mr. Webb thinks we are really close, other than some things in Series 100 and Series 500 relate to pre-existing approvals. We are down to the issue of ambiguity as it relates to existing approvals and how they function under the new code. No one’s opposed to rules and regulations, but his issue is clarity and certainty for existing PAD’s and existing Preliminary Plats and how we treat those projects. There are specific sections in the code that need to be refined to eliminate confusion. If Task Force desires to pass this code on, he asks the Task Force include a recommendation to direct staff to further examine the specific language of how existing PAD’s and preliminary plats are treated.

Kazi Haque, Zoning Administrator:

It would be very helpful to get some specific facts and figures from the development community of how other Cities treat similar requests. As an example, we are

	<p>reviewing Cortona and Eagle Shadow and processing extensions for projects originally approved in 2006.</p>
<p>Agenda Item 4.3: <u>Zoning Code Final</u> <u>Draft Review</u> <u>Discussion and Action</u></p>	<p>Chairman Whitehead introduced the next item, 4.3.</p> <p>Member Manfredi made a motion to move the Code forward to P&Z and Council with amendments discussed and further examination of 101.06 by staff before it goes to P&Z. The motion was seconded by Chairman Whitehead. The motion is to recommend the City Council approve the draft code with the amendments as follows:</p> <p>Recommended amendments to the June 2 Draft Code:</p> <ol style="list-style-type: none"> 1) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by property owner to increase beyond 150 feet.; and Amend Section 302.04.A "Prohibited Uses", by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay. 2) Remove Article 301, Master Land Use Plan Required Overlay District, in its entirety, along with all references with in the Code. 3) Remove Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code. 4) Article 502.11 B. "Extensions", delete the word "approval" in first sentence, and modify Article 502.13 "Revocation of Permits and Approvals" opening paragraph by inserting before the last sentence, the following: "Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E" 5) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table. 6) Article 511.03 B. "Zoning of Annexed Properties", delete and replace existing text with reference to ARS provision for zoning annexed land (ARS 9-471 (L)) 7) Further exploration and clarification by staff of the Rules of Transitions for existing Preliminary Plats, Article 101.06 and provide recommendations to allow City Council to determine the time frames for extending existing approvals, as to not jeopardize an existing preliminary plat. <p>Member Cheney Motioned for an amendment to the amendment as follows:</p> <ol style="list-style-type: none"> 8) In addition to the review and further clarification of 101.06 Rules of Transitions for existing preliminary plats, provide further clarification and review to the language to grandfather existing Planned Area Development (PAD) Overlays. <p>Member Cheney's amendment to the amendment was seconded by Member Yocum.</p>

	Motion and amendments were APPROVED by a unanimous vote of the Task Force.
Agenda Item 5: <u>Adjournment</u>	Chairman Whitehead Adjourned the meeting at 9:06PM

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Zoning Code Rewrite Task Force Committee of the City of Maricopa held on the 11th day of June 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated 3rd of July, 2014



Dana Burkhardt, Staff Liaison, Zoning Code Rewrite Task Force Committee, City of Maricopa.

Zoning Code Rewrite Task Force – Approved Minutes for 5/7/14

1.0: Call to Order	Ernest Whitehead called the meeting to order at 6:07 p.m.
2.0: Roll Call	Task Force members present included Councilwoman Chapados, Ronald Batt, Ernest Whitehead, Vincent Manfredi, Bob Marsh, Ted Yocum, JoAnne Miller and Linda Cheney. Committee members absent were Phyllis VonFleckinger, Julie Stanfill and Ryan Atwood. Staff members present were Michael Dyett, Code Consultant, Dana Burkhardt – Planning Consultant, Kazi Haque – Zoning Administrator, Rudy Lopez – Senior Planner, and Michael Winer – Economic Development Management Analyst. Please see attached sign-in sheet for a list of guests in attendance.
<p>Agenda Item 3.1: <u>Zoning Code Final</u> <u>Draft Review</u> <u>Discussion</u></p>	<p>Chairman Whitehead introduced the item. Planning Consultant Dana Burkhardt then gave an overview of the Staff memo and the topics of the Zoning Code Final Review Draft requested for discussion. The Task Force then discussed each topic and provided final direction to staff as follows:</p> <ol style="list-style-type: none"> 1) User's Guide/District Comparison Table: OK as proposed by staff 2) Existing PAD Overlays & Transitions: Increase prior approved Site Plan Review Expirations to 2 years after new code adoption – Ok as proposed 3) Modifications to Rules of Measurement: OK as proposed 4) Mixed Use – Heritage Overlay District: OK as proposed 5) Items 6&7 – MP Overlay & TOD Overlay: OK as proposed 6) Item 8-Adequate Public Facility: Keep as is 7) Proposed Landscape Code Revisions: Revise to remove the 36" box tree requirement, the rest is OK as proposed 8) Item 10 Admin & Permits Article & PAD procedure: Keep as proposed 9) Item 12 PAD's: Add language to §510.06 A. "Expiration" to identify this provision only applies to PAD's approved under the new Code. 10) Item 13 – Definitions & Zoning Map: Ok as recommended for modifications and updates by staff
<p>Agenda Item 3.2: <u>Zoning Code Final</u> <u>Draft Review Public</u> <u>Comment</u></p>	<p>Chairman Whitehead introduced the item and opened the meeting up for public comment.</p> <p>Jackson Moll, Deputy Director of Municipal Affairs, HBACA: 2 issues:</p> <ol style="list-style-type: none"> 1) Discussion of Residential Design Guidelines and Design Standards- Appreciates moving the language out of the Code and into Guidelines. Tendency of Cities and Towns to simply attach an acceptance by the Planning Staff or Design Review Board, to the Building permit to make the procedure streamlined. Approvals outside of the context of the Zoning Code 2) Adequate Public Facility ordinance is concerning. Case law suggests City cannot hold up a project for School District service agreements. Other public utilities and services are reviewed by other agencies, and the City has adopted impact fees to address this issue. Remove this section as the assurances are provided by other agencies and could delay project approvals. <p>Kelly Anderson, Former Mayor and State Transportation Board Member issues:</p> <ol style="list-style-type: none"> 1) Master Planned Overlay is concerning, don't understand why his property has the MP-overlay hatching, when he has adequate sewer and water and public facilities. Maybe the city can take a look at it and reconsider the designation. 2) Heritage District Overlay – Adequate Public Facility requirement to redevelop – getting discriminatory – may cause undue financial hardship for people residing there and should be further looked at.

	<p>Councilwoman Chapados: Task Force should consider options to implement CEPTED guidelines or policies.</p> <p>Member Cheney – Happy to help with furthering CEPTED policy</p>
<p>Agenda Item 3.3: <u>Zoning Code Final</u> <u>Draft Review</u> <u>Discussion and Action</u></p>	<p>Chairman Whitehead introduced the next item, 3.3. He mentioned there are some items noted for revision and asked the Task Force for a motion to move the Zoning Code forward. Member Miller commented that VonFleckinger and Cheney still have questions and she is in favor of one more meeting to see the final revisions incorporated in the draft. Member Batt, Yocum, Chapados, Marsh, and Manfredi agreed to have another short review on the revisions.</p> <p>Member Manfredi requested to remove the Adequate Public Facilities.</p> <p>Chairman Whitehead made a MOTION to recommend the P&Z Commission and City Council approve the Zoning Code with the recommended amendments from staff. MOTION fails for lack of a SECOND.</p> <p>Member Yocum made MOTION to hold one more meeting to review the finalize changes. MOTION was SECONDED by Chapados. Motion PASSES unanimously.</p> <p>Member Manfredi MOTIONED to recommend the Adequate Public Facility Section be removed from the Code. Motion SECONDED and PASSES with a 6-2 vote.</p> <p>Next meeting scheduled for June 11, 2014, 6PM in the Council Chambers</p>
<p>Agenda Item 4: <u>Adjournment</u></p>	<p>Chairman Whitehead Adjourned the meeting at 8:20PM</p>

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Zoning Code Rewrite Task Force Committee of the City of Maricopa held on the 7th day of May 2014. I further certify that the meeting was duly called and held and that a quorum was present. The Zoning Code Rewrite Task Force Approved these minutes at their June 11, 2014 meeting.



Dana Burkhardt, Staff Liaison, Zoning Code Rewrite Task Force Committee, City of Maricopa.