

Dana Burkhardt

From: Chris Webb <CWebb@roselawgroup.com>
Sent: Monday, July 14, 2014 4:00 PM
To: Bob Goodhue; Dana Burkhardt; Kazi Haque
Subject: Maricopa Draft ZO Re-Write: PRI Comments for July 14, 2014 P&Z Hearing

Importance: High

Bob, Dana and Kazi:

Unfortunately I will be unable to attend tonight's P&Z hearing on the Zoning Ordinance Re-Write. In my absence, I'm hoping you could provide this email to the P&Z members on behalf of Property Reserve, Inc. (PRI), the owner of the Avalea master-planned community at the SE corner of SR 347 and Farrell Road. I appreciate all of your efforts to date on this document and the time spent working with us as stakeholders. We all felt very good about the final Task Force recommendations and hoped that they would produce a document that the development community would wholeheartedly support. Unfortunately, the recommendations in the staff report for tonight's P&Z hearing appear to undo the most critical parts of the Task Force's efforts.

On behalf of PRI, I have participated in the ZO Re-Write process since the very beginning, attending Task Force meetings and working with Staff on related issues over the past year or so, the most critical of which remain the treatment of existing PAD's and preliminary plats under the new ZO. PRI remains in support of the Task Force recommendations, and would ask that the Planning & Zoning Commission not invalidate the efforts of the Task Force members by nullifying their recommendations tonight. Months and months of time and evaluation led to the Task Force recommendations, a process with which Staff was involved the whole way. PRI wishes to express its continued support of the Task Force recommendations and asks that the Commission consider forwarding the ZO Re-Write, with the Task Force recommended changes, to the City Council with a recommendation for approval.

Thanks, Chris

Chris Webb

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Edward Viser
Chairman
City of Maricopa planning and zoning commission

Re: Zoning Code Update

Chairman Viser and members of the commission

I'm writing to express my concern with certain aspects of the draft zoning code update, and to request that planning commission delay action on the proposed zoning code update, and instead direct staff to further engage with stakeholders in an effort to mutually address the stakeholders and City's concerns.

To insure that such an effort is successful I believe the commission should give Staff clear direction on several points.

- 1) Is the purpose of the Code Update to Grandfather in a clear manor, existing zoning, plats, permits and other entitlements and approvals, or is it to eliminate all old zoning entitlements?
- 2) Creating a streamlined, efficient and cost effective entitlement extension and renewal process which provides for a presumption of renewal or extension, which eliminates entitlement expirations or denials without good cause, and which contains much longer time frames between extensions or renewal.
- 3) Elimination of any language in the revised code which conflicts with the existing language of the subdivision ordinance.
- 4) Fostering economic development by creating a updated code that creates "shovel ready" (from an entitlement and code perspective) residential and commercial projects whose entitlements may be relied upon by landowners, developers, homebuilders, employment and commercial users.
- 5) Incorporating the recommendations of the Zoning code update Committee, including the committee's recommendation for Staff to come to an agreement with stakeholders on the above issues.
- 6) Address staff concern as to older entitlements by incorporating a stipulation into renewals and extensions that require an update relating to life safety issues, and certain other aspects of the new code which do not affect the core aspects of the existing entitlement, and to require this update not upon each renewal or extension, but only one, just prior to a final action such as final plat.

Maricopa, being a young city, with a smaller population base and evolving infrastructure, needs to work harder than other established City's in attracting employment and a population base sufficient to attract the amenity's and lifestyle uses found in larger Cities.

Landowners and developers who have committed substantial time and money within the City, who have relied in good faith upon the existing zoning code and subdivision ordinance, and who are committing

substantial additional time and money working to attract homebuilders, employment and commercial users to the City, should not have to face the specter of losing their investment in entitlements due to entitlement expiration, having to continuously extend, renew or reapply for the entitlements, (which are a prerequisite of attracting economic development to the City), or to lose the battle to attract employment, commercial users and homebuilders due to entitlement expiration or renewal uncertainty. The City and its code should work together with landowners and developers to compete for these users. Uncertainty with respect to entitlements is a disincentive for landowners and developers to invest in the future of Maricopa.

Homebuilders, employment and commercial users deciding where to build or locate in the Phoenix metro area are looking for fully entitled projects, and to start construction in a relatively brief period of time, with no risk that the entitlements for the property will change or expire. Projects which do not have these virtues are routinely passed on by homebuilders and commercial users. It is the developer's job to take a piece of raw land and spend many years and substantial sums of money to take a property to a state of entitlements acceptable to a home builder or commercial user, and then to compete with other projects throughout the phoenix metro area to attract homebuilders and commercial users. While this multiyear process is occurring a developer must also deal with cycles in the market, which cycles pay no attention to a property's entitlements time stipulations. Given the length of time required to take a project from raw unentitled land, with limited infrastructure, roads and utility's, and potential flood control issues (as is common in Maricopa) to the actual construction of homes or commercial building, a one or two year entitlement time stipulation simply does not work, and needlessly puts the City at a great competitive disadvantage. One to two years in development terms, is a very short amount of time. Shorter time frames may work in other Cities, which are substantially built out, have parcels with existing roads, utilities, no flood control issues, and have a population base sufficient to attract employment and other users vying for a limited number of parcels. Attracting development in Maricopa is a different proposition, and needs every advantage.

For these reasons I suggest that stakeholders and the City continue to work together improve the draft code revisions, prior to commission action on the code.

I appreciate your consideration of the above concerns, and hope that a process can be formulated to mutually address both the stakeholders and City's concerns.

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