

# MEMORANDUM



## COMMUNITY DEVELOPMENT

TO: Development Review Commission members

FROM: Ryan Levesque, Deputy Community Development Director

RE: Planned Area Development Overlay (PAD) Reform

DATE: September 23, 2014; DRC STUDY SESSION

Commission,

At the City Council's last Committee of the Whole (COW) meeting on September 15, 2014, staff provided follow-up to Council on topics and recommendations for changes within the PAD process. Below is a copy of that memo. Staff will provide an overview and the Commission will also have an opportunity to discuss the proposed changes with Council at the Joint Meeting on September 29, 2014.

### **BACKGROUND:**

At the COW meeting of June 16, 2014, the Mayor and City Council discussed the PAD Overlay Zoning process both past and current, and potential changes to the Zoning and Development Code (ZDC) to address the following issues:

**Previous Zoning Ordinance 808** – required PAD to include the locations, dimensions and elevations for all buildings. This process included certain design approvals required by City Council.

**Simultaneous processing of a Development Plan Review** – previous zoning regulation required the DPR (site plan, building elevations and landscape plan) application with all rezoning and PAD applications.

**Standardize Conditions of Approval** – This standardization would include as an approval, substantial conformance of the specific site plans and elevations submitted. These conditions could also define the approved floor plans and landscaping requirements. Changes to these parameters would be defined as “major modifications” and therefore require Council approval.

**Minimum Heights** – require minimum height of a project which may be included as a condition of approval. Changes to the height would be defined as a “major modification” and require Council approval.

**Timing & Performance** - requires that an application for a building permit be made within two years of the approval date. If the application is not made, the zoning of the property may revert to that in place prior to the approval of the PAD. Any reversion is subject to a public hearing process as a zoning map amendment. To date, this process has not been initiated for any PAD. The standard conditions could be modified to require the initiation of the revision process once the two-year period expires.

**Applicability & Criteria** – clarify the purpose and intent of the Planned Area Development Overlay process and identify specific criteria for its use. Define the criteria and which elements of the PAD will be approved by Council. Provide additional refinements with a Minor versus a Major Amendment.

**Public Outreach & Communication** – increase community involvement by expanding the notification requirements for neighborhood meetings and public hearings, and develop a Public Involvement Plan for applicants (*provided out of the Neighborhood Services, Tempe Involving the Public Manual*)

## **RECOMMENDATIONS:**

Mayor and Council have also requested further background and recommendations on design criteria and quality design parameters to the process. Staff recommends that such definitions and guidelines will flow from the on-going and future Character Area processes and that the above “fixes” should be implemented before the detailed work of design guidelines and definitions can be completed to clarify the expectations of developers and the respective roles of the Development Review Commission and City Council.

The proposed changes are as follows:

- 1) When an application is made for either a Planned Area Development Overlay (PAD) or rezoning, the simultaneous processing of a Development Plan Review (DPR) shall be required. *(No more speculative zoning)*
- 2) City Council shall be the decision-making body for Development Plan Review (site plan, building elevations & landscape), when processed with a zoning or PAD request.
- 3) Provide a revised purpose and applicability statement, redefining the intent for a PAD. Establish a direct tie between flexibility and assurance of quality.
- 4) Codify standard PAD condition regarding 2-year approval period, subject to a zoning reversion through a public hearing.
- 5) Clarify intent of “NS” instead of “No Standard”, now to be defined as a “Negotiated Standard”, whereby the development standards (density, height, landscape, coverage, landscape area, setbacks) are evaluated and established through the hearing process.
- 6) Clarify “Major Modifications” to PADs requiring City Council approval: Which shall consist of changes to PAD’s exceeding the standards established, and reductions in either building elevation height, lot coverage or landscape areas reduced by more than 10% of the previous approved project  
*(I.E. an approved 100’ building height reduces to a 89’ building height requires a Major Modification to the PAD)*
- 7) Enlarge the property notification boundary beyond the subject parcel, if part of a larger commercial center.
- 8) Neighborhood Meeting and Public Hearing notifications to property owners expanded from 300 to 600 feet.
- 9) Provide notice of such meetings by electronic communication (e-mail) or other standard means of noticing to registered Neighborhood Associations, Homeowner Associations, and Affiliations within a ¼ mile (1,320 feet) of the project site.
- 10) Neighborhood Meeting process revised to require conformance with an approved “Public Involvement Plan”.
- 11) Policy Initiated: Evaluate, monitor and bring back to Council for direction, all non-active PADs that have exceeded the two-year time period and are eligible for a zoning reversion.

**REQUESTED COUNCIL DIRECTION:** Review of the above recommendations. Modify, add, or delete recommendations.

### **Anticipated Timeframe and Staff Resources:**

Draft Ordinance language to be reviewed and discussed at the 9/23/14 DRC study session, 9/29/14 Joint Council/DRC meeting, 10/1/14 Neighborhood Advisory Committee meeting, 10/28/14 DRC public hearing, City Council intro/1<sup>st</sup> hearing on 11/13/14 and 2<sup>nd</sup>/final hearing on 12/11/14.