

CC MEMO 02-182  
LRP MEMO 02-050

DATE: OCTOBER 3, 2002

TO: MAYOR AND CITY COUNCIL

THRU: DONNA M. DRESKA, CITY MANAGER  
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR

FROM: HANK PLUSTER, LONG RANGE PLANNING MANAGER

SUBJECT: ZCA02-0002 CITY OF CHANDLER  
Introduction of Ordinance No. 3411

Request: Zoning Code amendment relative to Planned Area Development (PAD) zoning designations and the requirements for Preliminary Development Plan approval for multi-stage projects (Article XVII of the Zoning Code)

Applicant: City of Chandler

**RECOMMENDATION**

Upon finding consistency with recent State legislation and good zoning practice, Planning Commission and Staff recommend approval of a Zoning Code amendment pertaining to Planned Area Development (PAD) zoning designations and the requirements for Preliminary Development Plan (PDP) approvals for multi-stage projects, as set forth in the attached draft (underlined bolded text and strikeouts indicate language that has been added and deleted, respectively).

**BACKGROUND**

A previous amendment to PAD zoning designations was considered and approved by Council at the August 22<sup>nd</sup> meeting (Ordinance No. 3386, effective 10/12/02). As Council members will recall, that amendment requires that any request for PAD zoning be accompanied by a PDP, for all portions of the property for which zoning is being requested. In essence, that amendment eliminates any conceptual plan approval for a multi-stage or multi-parcel development.

This new amendment, as set forth in the attached draft, amends the previous amendment, by restoring the ability for an applicant to request PAD zoning with conceptual plan approval for a multi-stage/multi-parcel project, much along the lines of what the Zoning Code has provided for in the past. In making its previous presentations, Staff had indicated for the record that it would continue to look at other alternatives to the one that

was recommended and approved in August. Staff believes that the amendment now drafted, meets the best interests of all parties, including the City's.

### **DISCUSSION**

The primary point of this new amendment is to identify what is required for a development to be considered a "phased development," which in turn would be considered a "Protected Development Right Plan" under current State Statutes (SB 1354, went into effect 8/22/02). Specifically, the new amendment requires that an applicant submit a PDP for each phase of the development as part of the PAD zoning application, in order for it to be a "phased development."

However, the new amendment also provides that PDP approvals for "multi-stage projects" may be given in stages, where the initial submittal accompanying the zoning application may be a conceptual plan (i.e., with sufficient description/documentation to "identify the nature, mix, general arrangement, density, open space, and quality of the project"). The amendment goes on to state that multi-stage developments shall not be considered phased developments.

The new amendment amends only Section 35-1705 of the Code; all other parts of the previous amendment as adopted by Ordinance No. 3386 remain intact.

### **PUBLIC NOTICE**

As required by Statutes, hearing dates by Commission and Council, as well as the complete text of the draft amendment, have once again been advertised in the newspaper fifteen (15) days prior to the Commission hearing. In addition, the draft text and notice of hearings have again been sent to our customary developer clientele (homebuilders, non-residential developers, attorneys, architects, and engineers, including the HBA and Valley Partnership). Staff has received expressions of support from both the HBA and VP (telephone messages), as well as a letter from Ed Bull, attorney, expressing support (letter dated 9/30/02, attached).

### **PLANNING COMMISSION VOTE REPORT**

Motion for approval: 7 for; 0 against (by consent).

### **RECOMMENDATION**

Upon finding the draft amendment as set forth in the attached to be consistent with State Statutes relative to protected property development rights, and a better alternative to the previous amendment dealing with this issue, Planning Commission and Staff recommend approval.

### **PROPOSED MOTION**

I move to introduce and tentatively adopt Ordinance No. 3411, approving Zoning Code Amendment, ZCA02-0002, City of Chandler, as recommended by Planning Commission and Staff.

### **Attachments**

Article XVII, Planned Area Developments (draft text)

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Letter from Ed Bull (9/30/02)

Ordinance No. 3411