

ZONING ORDINANCE UPDATE COMMITTEE COMMUNITY INPUT SESSION SUMMARY OF KEY ISSUES RAISED

Held: Wednesday, October 14, 2009, 7:00-9:35 PM/Senior Center

Residents in attendance: Tom Bonneville, John and Janet Bohan, Janey Westin, Jackie Whitbeck and Andy Porter

Planning Commissioners in attendance: Mike Fischer, Kevin Staunton, Jeff Carpenter, Floyd Grabel, Arlene Forrest, Steve Brown and Nancy Scherer

Staff in attendance: Cary Teague, Kris Aaker and Jackie Hoogenakker

Planning Commissioners and Residents completed two “exercises”; The first exercise asked each participant to define the City’s existing development review process as they currently perceive it. In addition, they were asked to define what an “Ideal” development review process might look like. After each participant or table group filled out their work sheets, the larger group held a discussion of the key issues.

Problems with Perceived Process:

- Variances are dealt with too late in the process, putting the Zoning Board of Appeals in an uncomfortable role of potentially denying a variance request after the Planning Commission and City Council have already approved the project – The variance request should be dealt with in the preliminary approval round.
- The developers are not always required to make persuasive arguments for their hardship. In many cases, the City (staff and planning commission) are making the hardship argument for the developer, which is improper.
- Some residents feel that they work hard researching issues and present them as facts at the public hearings, but nothing ever happens as a result of the information they present. The pressure of making a decision in a timely manner gets in the way of following up (tabling and researching) on the information presented at the meeting.
- Having multiple public hearings between the Planning Commission and City Council is confusing and difficult for the Public.
- Turn off the Politics. The City Council seems to ignore the Planning Commission recommendations on a regular basis.
- Definition of “affected” neighbors – not always the same.
- After public comment period – public has no chance for rebuttal. This is very frustrating because the tone of the discussion can change completely after the public speaks and they have no ability to refute what the

developer is saying. Sometimes the Planning Commission asks the developer questions after the deliberations have begun.

- Some information regarding zoning requirements is not online – The group discussed the pros and cons of having to come into City Hall to visit with staff regarding zoning issues and requirements that are more complicated than the typical information that is posted online.

Benefits of an “Ideal” Development Review Process:

- It would be more difficult to get a variance based on a hardship articulated by the developer
- There would be more clarity in the process/public hearings
- Developer should have one meeting with all Department Heads within the City before the clock starts ticking. This meeting might deter some variance requests and could also cause other commissions to weigh in on certain topics if necessary.
- Developers would meet with neighbors earlier in the process, before the clock starts ticking
- Assign City ombudsman on complicated projects

The Second Exercise asked each participant to identify areas of the zoning code where attention should be directed. This could be items already listed in the Planning Commission’s work plan or items that the participant believes SHOULD be in the work plan.

New Items:

- List of conditions and city needs
- Dynamic traffic model for entire city. (It was acknowledged this has been accomplished)
- Residential side-yard setbacks (it has been found that due to recent ordinance changes certain house styles cannot be built in certain neighborhoods (Country Club/Morningside)
- Fix loopholes related to new house construction
- Elevation of new house-based on existing grade. Loophole exists if they can move the house around the site.
- Commercial drive-thru
- Why have a Planning Commission if not listened to?
- Do not allow developers to build as if it were a subdivision (house built far to one side of a lot anticipating some future subdivision)
- Enforcement – what is the process (for example: Proof of Parking)
- Rules about antenna and wind turbines
- Cold weather construction masonry rules – some cities have these rules-easy to find.

Priority:

- Regarding structure: The zoning ordinance (ex Scottsdale/Palm Springs) should be maintained by outside experts