

CITY COUNCIL REPORT
PUBLIC

DATE: April 24, 2015

TO: Mayor and Council Members

FROM: Dan Folke, Planning Director

CC: Jeff Meilbeck, Interim City Manager; Josh Copley, Deputy City Manager; Mark Landsiedel, Community Development Director

SUBJECT: Neighborhood Meeting Requirements and Proposed Code Amendment

Staff provided two CCR on neighborhood meeting requirements dated March 3, 2014 and July 31, 2014. Both are attached to this report.

Background

Staff is preparing several amendments to the zoning code which are aimed at improving communication with the public about pending development projects. The first would require an additional neighborhood meeting to occur between site plan review and the first public hearing on a zoning map amendment. The code currently requires one neighborhood meeting prior to site plan review or Planning Commission hearing.

Requests to amend the zoning map go through an administrative site plan review before being scheduled for public hearing. The Interdivisional staff (IDS) team reviews the project for compliance with the development standards and completes impact analysis of traffic, sewer and water and storm water. The rezoning application must include a report on the neighborhood meeting with details on how the public was provided information, who attended, what issues and concerns were discussed and how the application is addressing these issues. The Code currently allows the Planning Director to require a second neighborhood meeting if the application has been substantially modified since presented to the neighborhood. Recent experiences found a significant amount of time can lapse between the neighborhood meeting and the first public hearing.

The amendment will make a second neighborhood meeting mandatory, rather than at the discretion of the Planning Director. The second neighborhood meeting will provide the public an opportunity to review the current site plan, and to ask questions and provide input outside a public hearing. The second neighborhood meeting will also

provide the applicant an opportunity to demonstrate to the public how they have responded to issues that may have been raised at the first neighborhood meeting. The amendment may include a provision to allow for a waiver of the second meeting if the applicant can demonstrate through their meeting report that there was minimal participation, no public concerns or other circumstances which would make a second meeting of limited value.

Staff is proposing a second amendment which will require notification to include residents of the subject property. Applicants of any action that requires a public hearing must send out notices to all property owners of the subject property and owners within 300 feet. However, notification of residents of the land subject to the application is not required.

Staff believes the proposed Code amendments are supported by the following FRP 2030 policies.

Policy LU.1.11 Ensure that there is collaboration between a developer, residents, and property owners in existing neighborhoods where redevelopment and reinvestment is proposed so that they are included, engaged and informed.

Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process.

Recommendation

This communication is for information only. Staff anticipates the amendments will be presented and considered by City Council this summer.

CITY COUNCIL REPORT

DATE: March 3, 2014

TO: Mayor and Councilmembers

FROM: Mark Landsiedel, Community Development Director
Brian Kulina, Planning Development Manager

CC: Kevin Burke, Josh Copley, Jerene Watson, Dan Folke, Mark Sawyers, and Leadership Team

SUBJECT: Request for information concerning Neighborhood Meetings

This is in response to a request from Vice Mayor Coral Evans requesting information regarding neighborhood meetings.

DISCUSSION

Question #1: What is the purpose, requirements, and expectations for developer run neighborhood meetings as part of a rezoning request?

Section 10-20.30.060 of the Zoning Code establishes: when a neighborhood meeting is required, the purpose of the neighborhood meeting, how to plan for a neighborhood meeting, the methods of notification, possible city staff involvement, how to keep an appropriate record of the neighborhood meeting, when additional meetings may be required, and the possibilities of neighborhood meetings for other types of applications where one is not otherwise required. A copy of this section of the Zoning Code is attached for reference.

The purpose of the neighborhood meeting is to: (1) encourage applicants to allow for informed decision making through the dissemination of proposals and alternatives; (2) ensure that applicants pursue early and effective citizen participation in conjunction with their application(s), giving them the opportunity to understand and to mitigate any real or perceived impacts their application may have on the community; (3) ensure that the citizens and property owners have an adequate opportunity to learn about the application(s) that may affect them and to work with applicants to resolve concerns at an early stage of the process; and, (4) facilitate ongoing communication between the applicant, potentially affected citizens and adjacent property owners, City staff and elected officials throughout the application review process.

The Zoning Code does not specifically dictate the format of the meeting or the content that must be presented. The applicant prepares a plan for how they intend to conduct the meeting. This plan is reviewed and approved by the Planning Director and must include: (1) a list of all property owners, citizens, jurisdictions, and public agencies that will be notified of the meeting; (2) the proposed notification methods; (3) the form, structure, and agenda of the meeting; (4) an identification of the opportunities for those potentially affected parties to discuss and provide input on the proposal; (5) the location, date, and

time of the scheduled meeting; and, (6) the methods that will be used to keep the Planning Director informed of the status and results of the meeting.

At the conclusion of the neighborhood meeting, and prior to the scheduling of the application for action by either the Planning and Zoning Commission or the City Council, the applicant creates and files a written report of the meeting with the Planning Director. This report establishes a direct relationship to the meeting purpose, which is identified above, summarizes any concerns, issues, and problems expressed by the attendees during the meeting, and establishes how the applicant intends to address those concerns, issues, and problems. This report is included in to all staff reports that are presented to the Planning and Zoning Commission and the City Council.

RECOMMENDATION / CONCLUSION

This report is for information only.

ATTACHMENTS

Zoning Code Section 10-20.30.060 *Neighborhood Meeting*

- a. Upon receipt of conditions and comments, an applicant may request a meeting with the Director or his or her designee to discuss the development requirements and how to proceed with the application.
 - b. Neither the Concept Plan Review nor the provision of information by the Director or his or her designee and the discussion of City policies shall be construed as either a recommendation for approval or denial of the application or development. No formal action is taken by the Director during the Concept Plan Review.
 - c. Failure by the Director or staff to identify all required studies or all applicable requirements shall not constitute a waiver of those studies or requirements.
4. Completion of Concept Plan Review allows an applicant to submit an application for Site Plan Review and Approval (Section 10-20.40.140). If the Concept Plan application is deemed by the Director to contain sufficient information, the Director may move the concept plan to Site Plan Review and Approval (Section 10-20.40.140) or to the next stage in the development review process.
 5. If applying for Site Plan Review, it is the responsibility of an applicant to provide the required revisions and information relevant to the development proposal on the application for Site Plan Review and Approval (Section 10-20.40.140). The Director may also recommend that the applicant resubmit for a second Concept Plan Review at no additional cost to the applicant. An applicant may also choose to withdraw their application. However, a third required submission requires a new fee as established in Appendix 2 (Planning Fee Schedule).

10-20.30.060 Neighborhood Meeting**A. Neighborhood Meeting Required**

Applicants for Zoning Map amendments shall schedule and conduct a neighborhood meeting in compliance with this Section. The applicant is responsible for all costs associated with the neighborhood meeting. The Director may waive the requirement for a neighborhood meeting if it can be demonstrated that there are a limited number of property owners adjacent to the subject property and that other techniques for informing them of the application would be more effective, such as direct mailing with information on the application or one-on-one meetings with affected property owners.

B. Purpose of Neighborhood Meeting

The purpose of the neighborhood meeting is to:

1. Encourage applicants to allow for informed decision making through the dissemination of proposals and alternatives;
2. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to

understand and try to mitigate any real or perceived impacts their application may have on the community;

3. Ensure that the citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and,
4. Facilitate ongoing communication between the applicant, potentially affected citizens and adjacent property owners, City staff and elected officials throughout the application review process.

C. Neighborhood Meeting Planning

1. The applicant's neighborhood meeting shall be scheduled after the Pre-Application Review (Section 10-20.30.040) meeting with the Director, but prior to Site Plan Review (Section 10-20.40.140) or Planning Commission consideration of a Zoning Map amendment (Section 10-20.50).
2. A plan for how the applicant intends to conduct the neighborhood meeting shall be submitted to and approved by the Director in compliance with the Review Schedule on file with the Planning Section. A charrette is recommended with all General Plan amendments and is required for all applications for a Traditional Neighborhood Community Plan (Division 10-30.80). The neighborhood meeting plan shall include the following information:
 - a. Property owners, citizens, jurisdictions and public agencies within 300 feet of the development or that may be affected by the application;
 - b. Proposed notification methods (e.g. mail, e-mail, newspaper, or posting of the subject property) for persons and organizations identified in Subsection a, above;
 - c. Form, structure, and agenda of the meeting (e.g. town meeting, workshop, charrette, or other appropriate public outreach technique);
 - d. Opportunities for those potentially affected parties to discuss and provide input on the applicant's proposal;
 - e. Location, date and time of the neighborhood meeting; and
 - f. Methods to keep the Director informed of the status and results of the neighborhood meeting.

D. Neighborhood Meeting Notification

In compliance with the Review Schedule on file with the Planning Section, the applicant shall:

1. Create a notice that sets forth the purpose and substance of the proposed application, and the time, date and place of the neighborhood meeting;
2. Submit a copy of the notice to the Director;

3. Notify by first-class mail all property owners of record within 300 feet of the subject property, unless the General Plan or other applicable adopted City policy (See Section 10-20.30.070 (Additional Requirements for Citizen Outreach) for example) requires notification within a larger area;
 4. Notify by first-class mail all Homeowners Associations (HOAs) that govern land within 1,000 feet of the subject property as well as all persons or groups whose names are on the Registry of Persons and Groups described in Section 10-20.30.080.B who are interested in receiving such notice. If it is determined that the potential impact of the development extends beyond the required notification boundary, the Director may expand the notification area; and
 5. Install a minimum of one sign that is at least four feet by four feet in area on the property in a location or locations clearly visible from a public right-of-way and to adjacent residents setting forth the purpose, time, date, and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. This sign shall be installed a minimum of 10 days prior to the neighborhood meeting.
- E. City Staff Involvement**
City staff may attend the neighborhood meeting. The role of City staff will be limited to discussing the review process for the development and explaining the opportunities for the public to be engaged in the review process.
- F. Record of Proceedings**
The applicant shall create a written summary of the meeting, which shall be filed with the Director. This written summary will be attached to the Director's report to the Planning Commission and Council. At a minimum, the report shall include the following information:
1. Certification, on a form established by the Director, that the meeting was noticed and conducted in compliance with requirements of this Section;
 2. Details of techniques the applicant used to involve the public, including:
 - a. Dates and locations of neighborhood meetings;
 - b. Copies of letters, notices, newsletters and other correspondence, including dates and numbers of mailings or deliveries;
 - c. A copy of the mailing list, and a summary of where residents, property owners, and potentially affected citizens receiving notices, newsletters, or other written materials were located;
 - d. The number and names of people that participated in the process based on the sign-in sheet for the meeting; and
 - e. A dated photograph of the sign installed in compliance with Subsection D.5, above.
 3. A summary of concerns, issues and problems expressed during the neighborhood meeting, including:

- a. The substance of the concerns, issues, and problems; and
- b. The applicant's response to the comments received at the public meeting. The applicant's responses shall be included on the site plan, illustrative plan, other planning document(s), and/or in an associated report. If public comments are not included in any of these documents, an explanation why they were not included must be provided.

G. Additional Meetings

The Director may require that one or more additional neighborhood meetings be held. If the application is substantially modified from what was presented at the neighborhood meeting, the Director may require that a second neighborhood meeting in compliance with this Section be held to present the modified application.

H. Other Required Meetings

For developments where the applicant is not otherwise required to conduct a neighborhood meeting, the Director may require that a neighborhood meeting be held if a determination is made that the development may substantially impact adjacent neighborhoods, schools, parks, or existing open space.

10-20.30.070 Additional Requirements for Citizen Outreach

A. Applicability

This Section shall apply in addition to those requirements established in Section 10-20.30.060 (Neighborhood Meeting) to the following developments for which a Zoning Map or General Plan amendment is required:

1. New single-family or multi-family residential developments that exceed 300 units; or
2. New commercial developments that exceed 20 acres or 100,000 square feet of gross floor area.

B. Additional Requirements

The following additional requirements and procedures apply to those Zoning Map and General Plan amendments specified in Subsection A:

1. Step One - Neighborhood Meeting
 - a. The applicant shall host a neighborhood meeting as described in Section 10-20.30.060 (Neighborhood Meeting).
 - b. The following additional requirements shall apply to the applicant's neighborhood meeting. Prior to the neighborhood meeting and in compliance with the Review Schedule on file with the Planning Section, the applicant shall:
 - (1) Provide the Director with information regarding the neighborhood meeting for posting on the City website;

CITY COUNCIL REPORT
PUBLIC

DATE: July 31, 2014

TO: Mayor and Council Members

FROM: Dan Folke, Planning Director

CC: Kevin Burke, Josh Copley, Michelle D'Andrea, Barbara Goodrich, Mark Sawyers, Roger Eastman

SUBJECT: Neighborhood Meeting Requirements

The purpose of this CCR is to provide the Neighborhood Meeting Requirements found in Section 10-20.30.060 of the City Code (a.k.a. Zoning Code). Prior to filing an application a neighborhood meeting is required for all Zoning Map Amendments, commonly known as a rezoning. The code includes an explanation of the purpose of the meeting, identifies the timing, requires a plan prior to the meeting, provides notification requirements, states the role for City staff, requires a record of the proceedings, and provides the Planning Director the authority to require additional meetings.

Staff can attend the neighborhood meeting, but does not present the project. Staff's participation is limited to discussion on the process and how the public can participate. The Planning Director or my designee (Planning Development Manager or Current Planning Manager) is to review and approve the meeting plan prior to the meeting. After the neighborhood meeting the applicant prepares a report which is reviewed and accepted then attached to the staff report presented to the Planning and Zoning Commission and City Council. If significant revisions to a project are made after the neighborhood meeting, the Director can require an additional neighborhood meeting.

In summary the code requires and seeks to provide:

- Neighborhood meeting for all rezoning requests
- Ability for the public to become informed
- Forum for the public to work with the applicant to address concerns
- Facilitate ongoing discussions
- Notification to all property owners within 300 feet
- Explanation of how the meeting was conducted
- Record the concerns and issues discussed
- Explanation of how concerns are being addressed by the application

In addition, Section 10-20.30.070 includes requirements for residential projects that exceed 300 units and commercial projects that exceed 20 acres or 100,000 square feet of gross floor area. What follows is taken directly from the City Code.

City Code 10-20.30.060 Neighborhood Meeting

A. Neighborhood Meeting Required: Applicants for Zoning Map amendments shall schedule and conduct a neighborhood meeting in compliance with this section. The applicant is responsible for all costs associated with the neighborhood meeting. The Director may waive the requirement for a neighborhood meeting if it can be demonstrated that there are a limited number of property owners adjacent to the subject property and that other techniques for informing them of the application would be more effective, such as direct mailing with information on the application or one-on-one meetings with affected property owners.

B. Purpose of Neighborhood Meeting: The purpose of the neighborhood meeting is to:

1. Encourage applicants to allow for informed decision making through the dissemination of proposals and alternatives;
2. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
3. Ensure that the citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and,
4. Facilitate ongoing communication between the applicant, potentially affected citizens and adjacent property owners, City staff and elected officials throughout the application review process.

C. Neighborhood Meeting Planning

1. The applicant's neighborhood meeting shall be scheduled after the pre-application review (Section 10-20.30.040) meeting with the Director, but prior to site plan review (Section 10-20.40.140) or Planning Commission consideration of a Zoning Map amendment (Section 10-20.50).
2. A plan for how the applicant intends to conduct the neighborhood meeting shall be submitted to and approved by the Director in compliance with the review schedule on file with the Planning Section. A charrette is recommended with all General Plan amendments and is required for all applications for a traditional neighborhood community plan (Division [10-30.80](#)). The neighborhood meeting plan shall include the following information:
 - a. Property owners, citizens, jurisdictions and public agencies within 300 feet of the development or that may be affected by the application;

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- b. Proposed notification methods (e.g., mail, e-mail, newspaper, posting of the subject property) for persons and organizations identified in Subsection a, above;
- c. Form, structure, and agenda of the meeting (e.g. town meeting, workshop, charrette, or other appropriate public outreach technique);
- d. Opportunities for those potentially affected parties to discuss and provide input on the applicant's proposal;
- e. Location, date and time of the neighborhood meeting; and,
- f. Methods to keep the Director informed of the status and results of the neighborhood meeting.

D. Neighborhood Meeting Notification: In compliance with the review schedule on file with the Planning Section, the applicant shall:

- 1. Create a notice that sets forth the purpose and substance of the proposed application, and the time, date and place of the neighborhood meeting;
- 2. Submit a copy of the notice to the Director;
- 3. Notify by first-class mail all property owners of record within 300 feet of the subject property, unless the General Plan or other applicable adopted City policy (See Section 10-20.30.070, Additional Requirements for Citizen Outreach, for example) requires notification within a larger area;
- 4. Notify by first-class mail all homeowners associations (HOAs) within 1,000 feet of the subject property as well as all persons or groups whose names are on the registry of persons and groups described in Section 10-20.30.080.B who are interested in receiving such notice. If it is determined that the potential impact of the development extends beyond the required notification boundary, the Director may expand the notification area; and
- 5. Install a minimum of one sign that is at least four feet by four feet in area on the property in a location or locations clearly visible from a public right-of-way to adjacent residents setting forth the purpose, time, date, and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. This sign shall be installed a minimum of 10 days prior to the neighborhood meeting.

E. City Staff Involvement: City staff may attend the neighborhood meeting. The role of City staff will be limited to discussing the review process for the development and explaining the opportunities for the public to be engaged in the review process.

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F. Record of Proceedings: The applicant shall create a written summary of the meeting, which shall be filed with the Director. This written summary will be attached to the Director's report to the Planning Commission and Council. At a minimum, the report shall include the following information:

1. Certification, on a form established by the Director, that the meeting was noticed and conducted in compliance with requirements of this Section;
2. Details of techniques the applicant used to involve the public, including:
 - a. Dates and locations of neighborhood meetings;
 - b. Copies of letters, notices, newsletters and other correspondence, including dates and numbers of mailings or deliveries;
 - c. A copy of the mailing list, and a summary of where residents, property owners, and potentially affected citizens receiving notices, newsletters, or other written materials were located;
 - d. The number and names of people that participated in the process based on the sign-in sheet for the meeting; and,
 - e. A dated photograph of the sign installed in compliance with Subsection D5, above.
3. A summary of concerns, issues and problems expressed during the neighborhood meeting, including:
 - a. The substance of the concerns, issues, and problems; and,
 - b. The applicant's response to the comments received at the public meeting. The applicant's responses shall be included on the site plan, illustrative plan, other planning document(s), and/or in an associated report. If public comments are not included in any of these documents, an explanation why they were not included must be provided.

G. Additional Meetings: The Director may require that one or more additional neighborhood meetings be held. If the application is substantially modified from what was presented at the neighborhood meeting, the Director may require that a second neighborhood meeting in compliance with this section be held to present the modified application.

H. Other Required Meetings. For developments where the applicant is not otherwise required to conduct a neighborhood meeting, the Director may require that a neighborhood meeting be held if a determination is made that the development may substantially impact adjacent neighborhoods, schools, parks, or existing open space.

City Code 10-20.30.070 Additional Requirements for Citizen Outreach

A. Applicability: This section shall apply in addition to those requirements established in Section 10-20.30.060, Neighborhood Meeting, to the following developments for which a Zoning Map or General Plan amendment is required:

1. New single-family or multi-family residential developments that exceed 300 units; or,
2. New commercial developments that exceed 20 acres or 100,000 square feet of gross floor area.

B. Additional Requirements: The following additional requirements and procedures apply to those Zoning Map and General Plan amendments specified in Subsection A:

1. Step One – Neighborhood Meeting

- a. The applicant shall host a neighborhood meeting as described in Section 10-20.30.060, Neighborhood Meeting.
- b. The following additional requirements shall apply to the applicant's neighborhood meeting. Prior to the neighborhood meeting and in compliance with the review schedule on file with the Planning Section, the applicant shall:
 - (1) Provide the Director with information regarding the neighborhood meeting for posting on the City website;
 - (2) Post information regarding the neighborhood meeting on the applicant or applicant's agent's web site, if such web site exists; and,
 - (3) Notify by first-class mail all property owners of record within 600 feet of the subject property.
- c. As an option, the applicant may also place advertisements for the neighborhood meeting on local radio or TV stations.

2. Step Two – Additional Planning Commission Public Hearing

- a. The Director shall schedule no less than two public hearings with the Planning Commission to provide additional opportunities for interested members of the public to be informed of and provide comments on the new development proposals described in Subsection A.
- b. The public hearings shall be noticed in compliance with Section 10-20.30.080, Notice of Public Hearings.

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c. The additional Planning Commission public hearing shall be held at the next regularly scheduled meeting of the Planning Commission.

C. Charrette for a Traditional Neighborhood Community Plan: When an applicant has hosted a charrette as required for a proposed Traditional Neighborhood Community Plan (Division [10-30.80](#)) as part of a General Plan amendment, a second charrette as part of the Zoning Map amendment application is not required. The Director may require a second neighborhood meeting as described in Section 10-20.30.060, Neighborhood Meeting.

Recommendation

Provided for information only.

Multi-Family Residential & Student Housing Projects (Updated 07/31/2014)

It is important to note the difference between a market rate/affordable apartment development and a student housing development. The units in a market rate/affordable apartment development are leased under on a per unit basis whereas the bedrooms in a student housing development are leased on an individual basis. In addition, each type of development carries with it different development standards and entitlement procedures. Following is a list of projects for which we have received formal applications:

Aspen Heights (Student Housing)

Location: SWC Route 66/Woody Mountain Road
APNs: 112-01-019
Size: 6.08
Units: 227 units/815 beds
Developer: Capstone Collegiate Communities
Development Type: Mixed-use cottage-style student housing
Entitlements Status: Annexation and rezoning application currently under review.

Mountain Trail Apartments (Market Rate Apartments)

Location: 927 W Forest Meadows Street
APNs: 112-29-001E
Size: 7.35 acres
Units: 160 units
Developer: Chason Development
Development Type: Apartment complex
Entitlements Status: Site plan and conditional use permit approved.
Construction plans have not been submitted.

The Standard (Student Housing)

Location: NWC Route 66/Blackbird Roost
APNs: 103-02-021, 103-02-020, 103-01-003, and 103-01-005E
Size: 6.73 acres
Units: 191 units/650 beds
Developer: Landmark Properties
Development Type: Mixed-use multi-family style student housing
Entitlement Status: Rezoning request withdrawn by Applicant.

Trailside Apartments (Market Rate Apartments)

Location: 600 N University Heights Drive N
APNs: 112-20-015B, 112-20-014B, 112-20-013A
Size: 4.02 acres
Units: 111 units
Developer: Chason Development
Development Type: Apartment complex
Entitlements Status: Site plan approved. Construction plans have not been submitted.

Village at Aspen Place (Market Rate Apartments)

Location: 601 E Piccadilly Drive
APNs: 104-19-125B
Size: 3.15 acres
Units: 222 units
Developer: RED / Land Development Strategies
Development Type: Mixed-use apartment complex
Entitlements Status: Under construction.

Capstone Collegiate Communities (Student Housing)

Location: 555 W Forest Meadows Street
APNs: 103-32-006
Size: 6.077 acres
Units: 227 units/
Developer: Capstone Collegiate Communities
Development Type: Mixed-use multi-family and townhouse style student housing
Entitlements Status: Concept review complete. Site plan and conditional use permit applications have not been submitted.