

# City of El Mirage Planning & Zoning Commission Training

Roles, Responsibilities, and Best Practices of  
a Planning & Zoning Commission Member

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# City of El Mirage Planning & Zoning Commission Training

## AGENDA

- Application and Staff Process
- Planning Commission Duties
- Open Meeting versus Public Hearing
- Best Practices
- State Law
- Zoning Code Text Amendments
- Rezoning
- Conditional Use Permits
- Site Plan Review and Approval
- Subdivision Plat Review and Approval



# City of El Mirage Planning & Zoning Commission Training

## Application and Staff Process

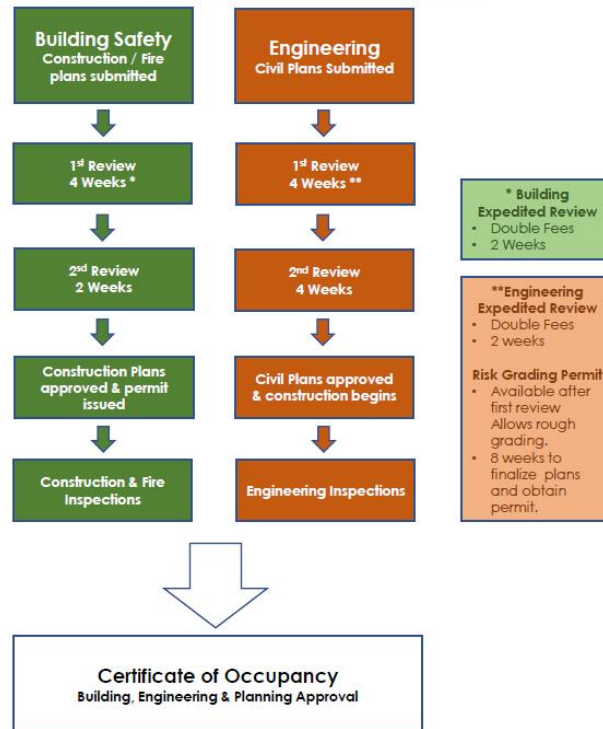


### City of El Mirage Development Process

#### ZONING APPROVAL



#### CONSTRUCTION PERMITS APPROVAL



- \* Building Expedited Review
  - Double Fees
  - 2 Weeks
- \*\*Engineering Expedited Review
  - Double Fees
  - 2 weeks
- Risk Grading Permit
  - Available after first review
  - Allows rough grading.
  - 8 weeks to finalize plans and obtain permit.



It all starts with a phone call



# City of El Mirage Planning & Zoning Commission Training

## STATE LAW ON P&Z COMMISSION

### 9-461. Definitions

"Planning agency" means the official body designated by local ordinance to carry out the purposes of this article and may be a planning department, a planning commission, a hearing officer, the legislative body itself, or any combination thereof.

### 9-461.02. Planning commission; creation; limitations

If a municipal planning commission is created, the organization, number of members, the terms of office and the method of appointment and removal shall be as provided by local ordinance, except that each municipal planning commission shall have at least five members



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## EL MIRAGE CITY CODE – DUTIES OF P&Z COMMISSION

### § 154.036(E) PLANNING AND ZONING COMMISSION

- Recommend to the City Council a zoning map; recommend regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land as it deems to be in the best interests of the city
- Recommend to the City Council rezonings
- Recommend to the City Council changes of zoning regulations as to land use or restrictions on buildings or structures
- Review site plans for multiple-dwelling residential structures and developments, commercial development, and industrial development



# City of El Mirage Planning & Zoning Commission Training

## EL MIRAGE CITY CODE – DUTIES OF P&Z COMMISSION

### § 154.036(e) Planning and Zoning Commission

4. Make recommendations to the City Council regarding conditional uses
  5. Determine and make decisions regarding special temporary uses
  6. Recommend to the City Council general plan adoption
  7. Provide recommendations to the City Council concerning purchase of sites for city buildings, parks, and other city improvements
  8. Make recommendations to the City Council on matters regarding the interpretation, enforcement, and administration of the El Mirage Subdivision Ordinance – NOTE: Planning commission should not have “quasi-judicial” duties (i.e., board of adjustment duties like authority to interpret code)
- **Remember attendance requirements: Failure to attend three regular or special meetings in a calendar year or combination resulting in missing three consecutive meetings in a calendar year will be considered cause for removal.**



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## OPEN MEETING VERSUS PUBLIC HEARING

### Public's Rights at an Open Meeting

- Attend
- Listen
- Tape Record
- Videotape

### Public has **NO** right to:

- Speak
- Disrupt



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## Open Meeting versus Public Hearing

### Public Hearing – Required by Statute or City Code

- ARS 9-462.04. Public hearing required; definition
  - If the municipality has a planning commission or a hearing officer, the planning commission or hearing officer shall hold a public hearing on any zoning ordinance
  
- **City Code § 154.150 PROCEDURE FOR ZONING AMENDMENTS**

(C)(1) No rezoning may be adopted until a public hearing has been held on the matter by the Planning and Zoning Commission



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## Open Meeting versus Public Hearing

### Specific Types of Decisions

#### City Code § 154.157 Procedure for Conditional Use Permit – Public hearing required

- (B) Follow major site plan review procedures and requirements
- (C) *Planning and Zoning Commission consideration and findings.*
  - (1) Within 30 days after the conclusion of the **public hearing**, the Commission makes recommendation to City Council



# City of El Mirage Planning & Zoning Commission Training

## Open Meeting versus Public Hearing

### Specific Types of Decisions

#### City Code § 154.156 Procedure for Site Plan Approval – No public hearing

- (A) (3) Review, and require revisions to proposed site plans
- Purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to protect public investments in roads, drainage facilities, sewage facilities, and the like; and to ensure that the regulations of the city are upheld



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## Open Meeting versus Public Hearing

### Specific Types of Decisions

#### City Code § 155.031 Preliminary Plat; Requirements and Review – No public hearing

(B)(5) At the Commission meeting the subdivider and all other interested or affected parties shall be allowed to offer comments.



# City of El Mirage Planning & Zoning Commission Training

## Best practices—follow the “Riggins Rules”



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- Don't miss meetings
- Create a good public impression of your city or town
- Be on time
- Dress appropriately
- Don't mingle with the audience
- Avoid privately discussing a case
- Do your homework
- Don't signal how you'll vote
- Disqualify yourself for conflicts
- Rotate the seating
- Be polite and impartial
- Be attentive
- Don't interrupt a presentation
- One speaker at a time
- Speakers should address the commission
- Don't use first names
- Respect the chair/be recognized to speak
- Don't be critical of lawyers and planners
- Don't indulge in personalities
- Don't use your questions or comments to make anyone look like a fool

# City of El Mirage Planning & Zoning Commission Training

## Best practices—follow the “Riggins Rules”



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- Don't get involved in arguments
- Be sure the public can see diagrams and maps
- Don't allow speaking from the audience
- Keep speakers at the podium
- Don't get involved in neighborhood quarrels
- Have a thick skin—don't hold grudges
- Be objective to weak & strong alike
- Don't try to fix a bad deal
- Give a reason for your decision
- Take staff recommendations seriously
- Ask for staff help when necessary
- Don't answer technical questions
- Grant or deny the request—don't try to “split the baby”
- Vote by roll call
- Don't react to the outcome of a case
- Discourage postmortem remarks
- Delay the hearing if you need more information
- If you're always the odd person out, take a critical look at yourself
- Select a chair who can run the meeting well (not by seniority or rotation)

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## ZONING CODE TEXT AMENDMENTS

- Application submitted to Community Development Department
- Citizen Participation Process – required only if it imposes/changes a land use regulation. Same process as for General Plan
- Notice of Public hearing - Commission must hold one public hearing



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## ZONING CODE TEXT AMENDMENTS

- Notice of public hearing: Include time and place of hearing and a general description of the proposed amendment
- Publish at least 15 days before the hearing
- Publication at least once in a newspaper of general circulation published or circulated in the City/Town
- Post on City/Town website and all official posting locations



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## ZONING CODE TEXT AMENDMENTS

- Special notice requirements if amendment would result in:
  - 10% or more increase/decrease in number of square feet or units that may be developed
  - An increase or reduction in the allowable number of stories of buildings
  - A 10% or more increase or decrease in setback or open space requirements
  - An increase or reduction in permitted uses.
- Notice must be published by “display ad” covering not less than 1/8 of a page.



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## ZONING CODE TEXT AMENDMENT MEETING PROCEDURE

At public hearing:

- Staff report (including Citizen Participation report)
- Consideration of Citizen Participation report
- Commission Questions for Staff
- Applicant Presentation (if applicant)
- Open public hearing
- Public comment
- Close public hearing
- Commission discussion
- Commission adopts written recommendation and forwards to Council. Must include reasons for the recommendation.



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## ZONING CODE TEXT AMENDMENTS

### City Code § 154.150 Procedure for Text Amendments

(D) Must consider oral or written statements from the applicant, the public, city staff, and its own members. The Commission may recommend approval or disapproval, or it may table the proposed amendment (not more than 2x)

**Zoning Code amendments are legislative**  
**Wide discretion given to City to adopt text amendments**



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# City of El Mirage Planning & Zoning Commission Training

## REZONING PROPERTY

- Rezoning may be initiated by Council, P&Z Commission or petition by owner
- Citizen Participation process applies, except that applicant submits Citizen Participation plan, conducts the Citizen Review meeting and prepares the report
- Notice of public hearing is the same as for a Zoning Code text amendment, except:
  - There must be a notice of the public hearing posted on the property being rezoned at least 15 days prior to public hearing
  - Notice must be mailed to owner of property being rezoned and to owners within 300 feet of property



# City of El Mirage Planning & Zoning Commission Training

## REZONING PROPERTY

- For rezoning that abuts another municipality or the county, notice must be sent to that municipality or county
- For rezoning not initiated by property owner, notice by first class mail to each real property owner is required and all property owners within 300 feet of the property to be rezoned
- If application is denied, Commission may refuse similar application for 12 months



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# City of El Mirage Planning & Zoning Commission Training

## REZONING PROPERTY

### City Code § 154.151 Procedure for Rezonings

(D) In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, city staff, and its own members. The Commission may recommend approval or disapproval, or it may table the rezoning application (not more than 2x)

**Rezoning is legislative**

**Wide discretion given to City on rezoning**



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# City of El Mirage Planning & Zoning Commission Training

## REZONING MEETING PROCEDURE – Same as text amendment

At public hearing:

- Staff report (including Citizen Participation report)
- Consideration of Citizen Participation report
- Commission Questions for Staff
- Applicant Presentation
- Open public hearing
- Public comment
- Close public hearing
- Commission discussion
- Commission adopts written recommendation and forwards to Council.  
Must include reasons for the recommendation.



# City of El Mirage Planning & Zoning Commission Training

## CONDITIONAL USE PERMITS

### City Code § 154.155 Procedure for Conditional Use Permit

(A) Certain uses allowed in zoning districts with  
conditions

(C) *Planning and Zoning Commission consideration  
and findings.*

Commission approves, conditionally approves, or denies  
CUP

**CUPs are administrative**

**Conditions must relate to development**

**Ask yourself what conditions are necessary to  
mitigate **land use** impacts?**



# City of El Mirage Planning & Zoning Commission Training

## CONDITIONAL USE PERMITS

### City Code § 154.155 Procedure for Conditional Use Permit

- (2) Findings:
  - (a) Site is adequate in size and topography to accommodate use
  - (b) Streets and roads adequate to carry the quantity and kind of traffic generated
  - (c) No adverse effect on the abutting property
  - (d) In conformance with general welfare
  - (e) Conditions necessary to protect the public health, safety, general



# City of El Mirage Planning & Zoning Commission Training

## CONDITIONAL USE PERMITS

### City Code § 154.155 Procedure for Conditional Use Permit

The conditions may deal with (if necessary):

8. Outside maintenance
9. Noise, vibrations, odors
10. Hours for certain activities
11. Time period for starting/completion of development
12. Duration of use;
13. Dedication of access rights
14. Other conditions for an orderly and efficient development



# City of El Mirage Planning & Zoning Commission Training

## CONDITIONAL USE PERMITS

City Code § 154.155 Procedure for Conditional Use  
Permit

**CUPs are administrative**

**Conditions must relate to development**

**Ask yourself what conditions are necessary to  
mitigate land use impacts?**

**Must approve if conditions can be imposed that  
mitigate impacts**



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# City of El Mirage Planning & Zoning Commission Training

## Site Plan Review and Approval

### **City Code § 154.154 PROCEDURE FOR SITE PLAN APPROVAL.**

(A) (3) Review and require revisions to site plans

Purpose is to relieve demonstrable adverse impacts of the development on public safety, health, or welfare; to protect public investments in roads, drainage facilities, sewage facilities; and to ensure that the regulations of the city are upheld.



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# City of El Mirage Planning & Zoning Commission Training

## Site Plan Review and Approval

### City Code § 154.154 PROCEDURE FOR SITE PLAN APPROVAL.

Planning and Zoning Commission shall consider the following:

- relationship of the plan elements to conditions both on and off the property
- conformance to the city's zoning ordinance
- conformance to the city's general plan
- impact of the plan on the existing and anticipated traffic and parking conditions



# City of El Mirage Planning & Zoning Commission Training

## Site Plan Review and Approval

### City Code § 154.154 PROCEDURE FOR SITE PLAN APPROVAL.

Planning and Zoning Commission shall consider the following:

- adequacy of the plan with respect to land use
- pedestrian and vehicular ingress and egress
- building location and height
- Landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters



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# City of El Mirage Planning & Zoning Commission Training

## Site Plan Review and Approval

### City Code § 154.154 PROCEDURE FOR SITE PLAN APPROVAL.

Planning and Zoning Commission shall consider the following:

Is site plan:

- Detrimental to health, safety, or welfare of the community; or
- In harmony with the purposes and intent zoning code, area plan and general plan?

Consider - Will site plan:

- Cause traffic unreasonable congestion?
- Seriously depreciate surrounding property values?



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## Site Plan Review and Approval

### City Code § 154.154 PROCEDURE FOR SITE PLAN APPROVAL.

- Site plan review and approval are administrative and technical in nature
- Ask yourself does the site plan meet zoning code requirements?
- **Must approve if site plan meets code requirements even if you hate layout or design**



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# City of El Mirage Planning & Zoning Commission Training

- **Subdivision Plat Review and Approval**
- **City Code § 155.031 Preliminary Plat; Requirements and Review.**
  - (B)(1) P&Z Commission reviews preliminary plats
  - **Subdivision plat review and approval are administrative and technical in nature**
  - **Ask yourself does the plat meet subdivision code requirements?**
  - **Must recommend approval of plat that meets city's subdivision standards** even if you hate layout or design



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