



Community Development Department
Planning and Development Services

Date: December 17, 2019
TO: Planning and Zoning Commission
FROM: Dan Symer, AICP, Zoning Code Manager
Through: Alexandra Pucciarelli, Current Planning Manager
RE: Planning and Zoning Commission Work Session

Request:

1. Request for a work session with the Planning and Zoning Commission to discuss the applicant's (Rick Schuller, Woodson Engineering) request to amend Section 10-90.40.030 of the Zoning Code, the Rural Floodplain Map, to change the Rural Floodplain designation to Urban Floodplain on a approximate 4.46-acre parcel located at 3451 East Lake Mary Road.

Introduction:

The Zoning Code was adopted by the City Council on November 1, 2011, to replace the former Land Development Code. Incorporated into the Zoning Code is the Resource Protection Overlay (RPO) that was originally adopted in June 1999. The intent of the RPO regulations are to maintain and protect existing natural resources, including floodplains, steep slopes, and forests. The most recent amendment to the RPO that is applicable to this application was approved in April 2017. This amendment modified the Rural Floodplain map to include additional floodplain areas.

Purpose of the Work Session:

The work session with the Planning and Zoning Commission is required as a "Citizen Review Session" in compliance with Section 10-20.50.040 (Procedures) of the Zoning Code and applicable state law. The purpose of the work session is for staff and the applicant to present an overview of the proposed amendment, to allow interested residents to present their ideas, suggestions and concerns, and for the Commission to ask questions, seek clarification, and discuss the amendment, as well as offer alternate suggestions and ideas. No action will be taken by the Commission at this work session. After the work session, staff and the applicant will incorporate any comments from the public and the Commission into the proposed amendments. The amendment will then be presented to the Commission at a public hearing for consideration and action. Once a recommendation is received, a public hearing will be scheduled with the City Council. The anticipated timeline for the amendments is as follows:

- January 8, 2020 – Planning Commission Work Session
- January 22, 2020 – Planning Commission Public Hearing
- February 2020 – Potential City Council Public Hearing (1st Reading of Ordinance)
- March 2020 – Potential City Council Hearing (2nd Reading of Ordinance/Adoption)
- April 2019 – Potential Ordinance Effective Date

Overview of Proposed Amendment:

The proposed amendment is to change the map designation of approximately 1.47 acres from Rural Floodplain to Urban Floodplain on an approximately 4.46-acre parcel located at 3451 East Lake Mary Road (Attachment 1). The applicant's narrative and graphics are included as Attachment 2. The Zoning Code describes the Rural and Urban Floodplains as:

- *Urban Floodplains.* Urban Floodplains are all watercourses and associated floodplains not defined as rural floodplains. Urban floodplains are typically located in urbanized areas and have typically been altered from their natural state by channelization.
- *Rural Floodplains.* Rural floodplains are natural undisturbed open spaces that are unsuitable for development purposes due to periodic flood inundation and the need to preserve the stream corridor for beneficial uses such as the preservation of important ecological resources.

The 1.47-acre area is a man-made watercourse/channel. This channel was constructed to divert a historical natural watercourse to accommodate development on the northeast side of Lake Mary Road. This amendment will correct the designation from Rural Floodplain to Urban Floodplain.

Findings

At the January 22, 2020 Planning and Zoning Commission meeting, the Commission will be requested to make a recommendation to the City Council on the proposed amendments based on the required findings specified in the Zoning Code. For your reference and discussion purposes, the required findings are specified below.

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Community Involvement

In accordance with State Statute and the Zoning Code, the work session before the Planning and Zoning Commission was advertised in the Arizona Daily Sun on December 21, 2019, which is 18-days before the scheduled meeting date. As of the date of this memo, staff has not received any comments from the public.

Conclusion:

As indicated above, the purpose of the work session is for staff and the applicant to present an overview of the proposed amendment to the Zoning Code, and to allow interested individuals, residents and business owners to provide comments. Also, the work session is to allow for the Commission to ask questions, seek clarification, have discussions, and offer comments on the proposed amendments. No formal recommendation action by the Commission to the City Council is to occur at the work session. Additional opportunities for discussion, public comment, and action by the Commission will occur at a future public hearing.

Attachments:

1. Draft of the Modification to the Rural Floodplain Map
2. Applicant's Narrative and Graphics