



**The Law Offices of Steven C. Vondran**

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**Serving Southern California and Greater Phoenix Arizona!**

## **Basic Process for Zoning and Rezoning Property in Phoenix, Arizona\***

### **(1) Meet with Client(s) / Development Team**

- Discuss the property and the proposed project
- Review the General Plan for the City where the property is located to determine if proposed project is *in conformance with the General Plan*. The general plan is the general development blueprint for each city. Each city has its own general plan.
  - A. If the proposed project is not in conformance with the general plan of the City or town where the property is located, an amendment to the general plan, (either a major amendment or a minor amendment) will be required.
  - B. Major amendments typically happen once a year in each City or town and if you missed the last general plan amendment, you may want to rethink your project or else wait for the next opportunity to file for a general plan amendment.
  - C. Minor amendments are more common and happen more frequently in a given City or Town

- Review the requirements and limitations of the zoning ordinance. The zoning ordinance will tell you what you can and can't do in regard to your project. For example, it will dictate height limits, required setbacks, parking requirements, landscape requirements and more. This will also help you further define and refine your proposed project.
- Ascertain what zoning district or village you are in and who the councilmember for that area is. Also lookup relevant neighborhood associations that may be active involved in the area where your property is located. This may provide valuable insight as to the likely opposition or potential support you will be able to muster while going through the steps of the zoning and rezoning process in Phoenix, Arizona, Southern California and surrounding cities and towns.
- Outline the rezoning & entitlements likely needed; the costs of obtaining such; and general time-frames for rezoning. For example, in some cases in Arizona, the project may require that all or some of the site be annexed into the neighboring/adjoining city or town. In that event we will need to file an annexation petition as well. In many other circumstances, the zoning ordinance will not provide what you are looking for and allow you to do what you want to do. For example, you may have a PAD piece of property that you want to develop a restaurant on. You may want a drive-through queue. This may require a use permit or a variance. These are typical entitlements that you may encounter.
- Discuss the team needed (civil engineers, architects, landscape, traffic, etc.)
- Discuss our Firm and the next steps to get started (ex. discuss the retainer that will be needed)

(2) After we receive the **signed retainer agreement and initial deposit**, its time to get started

(3) First, we will make a quick **physical site inspection** where we will take photos and get a feel for the lay of the land

(4) Next, we will obtain a **title report** on the property to see if there are any encumbrances on the property and to get an exact legal description of the property

(5) Next, we will obtain **aerial photos** of the property and relevant zoning maps

(6) At this point we will want your architect to provide us with site plan or site layout of the property, or subdivision plat, elevations, and any renderings of the property. This will allow us to get started with the first step of the rezoning process in Phoenix Arizona which is the “**pre-application process**”

(7) We will **draft and file the pre-application**. Included in this draft is a narrative of the project providing the city or town staff planners with a general overview of the project. We will attach your maps, drawings, renderings site plans etc. to be included with the filing. There is usually no charge (from the City or towns standpoint) to file for the pre-application meeting.

(8) Once we have filed for a pre-application meeting, we will prepare to “*tell your story*” to the city or town staff planners. This will include **preparing a PowerPoint presentation** that we will build on and use later in the zoning process (at the neighborhood meetings, village planning meetings, planning commission meetings, and ultimately in front of the Zoning Hearing Officer or City Council). We file the pre-application forms over the counter, picking-up the mailing labels we will need for the *neighbor notification letters that are required to be sent out*. Also, we will obtain a list of the applicable neighborhood or business associations as discussed above. We will start contacting them to discuss the project and to solicit their input.

(9) **Meet with City Staff** (Staff meeting). At this meeting we will present your project and discuss the general plan and the zoning ordinance. Members of the City or Town staff planners will present their ideas, objections, comments and will generally let you know whether or not they support the project in its original conception, or whether certain changes, additions and modifications should be made before the City or Town will lend its support to the project. You should be aware that probably one of the most important things you can do is to work with the City or Town to get their blessing on the project. Even in the face of tremendous neighborhood opposition, it may be possible to obtain your zoning and entitlements, variance, use permits, etc. even in the face of strong to moderate neighborhood opposition.

Note: Following the meeting, we will generate a short memo to capture the essence of the meeting and provide this to you and your development team.

Note 2: The staff planner will ultimately send a staff report to the planning commission representing their comments on the project.

(10) After meeting with the City or Town staff planners, we will **meet with the Development Services Department** (“DSD”) or other department that handles building permits and development standards for the City or Town. At this meeting, the site plan or plat will be scrutinized by the City engineer, traffic specialist, landscape specialist, and fire safety chief. Suggestions and recommendations will be made. Your ultimate goal with DSD is to obtain site plan approval or plat approval (if a subdivision project). DSD addresses basic functionality and safety of the site. Variances and use permits may also be discussed. A short memo to highlight the comments received during this meeting will also be generated.

Note: DSD may require site plan or plat map alterations and also require a return visit. This should not hold up the filing of the formal rezoning application (discussed below). At the end of the process, DSD will send a recommendation or staff report to the planning commission. So the planning commission will ultimately have staff planner comments and DSD comments by the time you get to appear before them.

Note two: When working with DSD, we will only stipulate to development “*in general conformance*” with site plans/plat. Other agreements, conditions and stipulations can be incorporated into a final development agreement with the City.

(11) **Neighborhood Meeting:** When you are rezoning, you are required by Arizona State Law to meet with your neighbors and invite them into the process. After all, everyone has to get along. This is known as the public review process. To kick start this process, you must send out neighbor notification letters to all neighbors within 600 feet of the proposed project. All relevant persons and business and neighborhood associations within 600 feet are entitled to notice. Once mailed, we are required to submit an affidavit of notification to the City.

Meeting Goal: Showcase the project / Generate Support & Enthusiasm / Acquire Letters of Support / Identify specific objections, hot-points & hot-heads. You may see these people again as we roll through the process, so we try to create a relationship with the major stakeholders in the community.

Things needed for the neighborhood meeting:

- Conduct prior relevant research incorporate into PowerPoint: (ex. developer background; general plan for the area, surrounding land uses, demand for product type, entitlements sought, zoning ordinance requirements, etc.)
- Gather other relevant maps, charts and diagrams and incorporate into PowerPoint (site plan, landscaping plan, elevations, parking, height comparisons, etc.)

- Prepare (a) sign-in sheet; (b) petitions of support; (c) request for updates or more information sheet
- Note: PowerPoint is generally limited to 20 slides maximum. Big Font and Few words. We take questions as we in order to keep it interactive.
- We take our role as advocate at these meetings very serious. This is your project and we are your spokesman. We will be well rehearsed and ready to answer all the tough questions the neighbors will throw at us.
- Following the neighborhood meeting we will prepare a short memo capturing the relevant points of the meeting (neighbor issues / potential solutions / action items, etc.)

**Note:** In some instances we will be asked by City staff, or the neighbors themselves, to come back for a follow-up neighborhood meeting or provide additional information to certain parties. Usually this will happen when changes to the site plan or subdivision are suggested and the neighbors would like to see the revisions.

(12) After the neighborhood meeting there is normally a period of revisions on the part of the developer and their architects and engineers and a series of re-submittals to the City staff and/or DSD. Typical changes and modifications that occur at this point are changes to the site plan, plat map, landscaping, infrastructure issues, drive-through queue lengths, height of project, number of units, setbacks, etc.

(13) Formal rezoning application: after you have a basic consensus of what the project is and the general level of support for the project from the City or Town staff you are ready to file the formal rezoning application.

Some things to Keep in mind about filing for rezoning in Phoenix, Arizona or other Arizona cities such as Goodyear, Buckeye, Casa Grande, Peoria, Chandler, Gilbert, Scottsdale, Queen Creek, Tempe and Mesa and other cities and towns in Arizona:

- Make sure you provide all the necessary attachments (site plans, plat maps, aerial photos, etc.)
- Include the required fees
- Provide a narrative for the project

- Signs must be posted on the subject property within 15 days of the village planning meeting. Note: If you are seeking more than one entitlement (ex. you seek rezoning and a special permit – which goes through the same process as rezoning – posting one sign will be sufficient. Signs generally costs about \$1,000.

Note: When you file for rezoning the City will set the **post-application meeting with City staff planners.**

(14) Once again, by making the formal rezoning application filing you will again need to send out neighbor notification letters to all neighbors and residents and neighborhood associations within 600 feet of the proposed project.

(15) This time the notification is for the Village Planning meeting (this is for Phoenix rezoning cases). Local residents and neighbors will again have the opportunity to show up and voice their concerns, comments and opinions in front of the Village Planners. The Planners are appointed by the Mayor of the City and serve without pay.

(16) Before the Village meeting you will normally have the Post-application meeting wherein you will discuss the project one last time with City staff planners and include supplemental findings, updated maps and plans, and neighborhood support petitions, etc.

(17) **Village Meeting:** The Village planners may vote to recommend your project and they can request modifications to the project. Also, they may not approve the project at all. Assuming the Village makes a Vote of Recommendation, your next stop will be the Planning Commission. Much of the same approval process and stipulation process occurs here. As your spokesperson for the project, we will present your case and handle any concerns and objections presented by the commission members and the neighbors who may be present.

Village meeting preparation / action items:

- Review all relevant documents, maps, charts, plans, neighbor oppositions
- Prepare power-point
- Rehearse
- Ensure all equipment is available and in working order (projector, laser pen, easels, etc.)
- Request recommendation of approval

At the Close of the meeting, we will prepare a follow-up memo capturing the relevant highlights and comments.

(18) After the Village meeting, and assuming approval at that lever, the next stop is either the Planning commission or Zoning Hearing Officer (ZHO): Usually

the case goes to the planning commission unless there is absolutely no opposition.

The General Process is the same as described above:

- Review all relevant documents, maps, charts, plans, neighbor oppositions
- Prepare power-point
- Rehearse
- Ensure all equipment is available (projector, laser pen, easels, etc.)
- Request recommendation of approval
- Follow-up with memo to file

(19) If the Planning Commission or ZHO approves, then the next stop is City Council for final approval of the zoning or rezoning. If there is no objection to the project, the zoning case will be put on the “consent agenda.” If there are cards filed by citizens wishing to speak a full blow hearing can take place. Again, for this meeting you need to be thoroughly prepared:

Note: If the rezoning is denied, there is an appeals process to Superior Court, but it is next to impossible to win.

(20) Upon obtaining City Council approval, there is a 30 day wait period before the zoning becomes effective. This gives dissenter’s an opportunity to appeal the decision.

(21) Normally, one year is given from the date of final approval in which to secure building permits. You can get time extensions on this date by filing for an extension with the zoning administrator.

(22) Upon building everything to code, and in general conformance with the site plan/plat, a “certificate of occupancy” is issued which means you can open up the project to the public, lease to tenants, etc.

## Typical Zoning Costs (City of Phoenix, Arizona)

- Typical Zoning case is roughly 50 hours x \$175 hourly fee = \$8,750
- All costs are separate (filing fees, signs, photos, etc.)
- Extra costs apply if any of the following are needed/present in regards to the rezoning:
  - Need special permits /variances
  - Rezoning is accompanied by general plan amendment
  - Rezoning involves annexation petition
  - Rezoning is not in conformance with General Plan / Strong neighbor opposition
  - More complex projects

**FOR MORE INFORMATION ABOUT OUR ZONING AND LAND USE PRACTICE IN ARIZONA OR CALIFORNIA CONTACT US FOR A FREE CONFIDENTIAL CONSULTATION.**



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