

MEMO

Planning Division

To: Court Rich
Jordan Rose
Kelly Hall

From: Ryan Wozniak, Planner

Through: Martin Scribner, Development Services Director
Kazi Haque, Zoning Administrator

Date: December 28, 2017

RE: Staff update on Anderson Russell Planned Area Development (PAD16-04)

This memo is responding to the round of negotiations with regard to the Anderson Russell PAD (PAD16-04) proposal that was continued by the Planning & Zoning Commission on November 27, 2017 hearing date, whereby the Commission directed that the issues between Staff's findings and the proposal details could be resolved with additional time and coordination.

In that time, the following recap has occurred (code references are to the [Zoning Code](#)):

- Staff received an email titled "PAD16-04 Anderson Russell: proposed resolution of remaining issues" on Friday, December 1 including 5 points (attached at the end, for documentation) that served to clarify or accept stipulation language going forward. Of the points, the responses to the previous analysis finalized for the Planning & Zoning Staff Report were as follows:
 1. Preliminary Plat preparation would be submitted with the "then-current Subdivision Ordinance" to improve **two points of access**, and the access would need to be approved by police, fire and medical.
 - (a) Clarity is obscured by the competing language. Is this to the professional standard applied by Chief of Police and of Chief of Fire/Medical, or to the minimum standards codified? For reference, notes from the Hearing indicate the language used at the hearing was "to the satisfaction of the City's Police and Fire/Medical Departments."
 - (b) Could the application for Pre-Plat come prior to Subdivision Code updates? If so, how will the review be governed?
 - (c) Even setting aside the above points 1(a) and 1(b), staff remains uncertain as to the viability of this stipulation, since no contextual solutions have been proposed to date. The response times outlined in

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- the Staff Report have not objectively improved with these stipulations, nor has there been a plan for improvement prepared for the PAD.
- (d) Considering the points above, staff does not find sufficient evidence for the Required Finding of Sec. 510.04.C. risking reduction of public services.
2. As offered during the hearing on November 27, a **\$200 donation** per-residential unit for Police/Fire/Medical in addition to the Development Impact Fees collected.
- (a) The donation would eventually yield additional funding for Emergency Services somewhere between \$420,000 and \$714,000 (based on proposed residential unit counts) by full build-out, assuming these donations would be incrementally collected at the time of a building permit.
- (b) Staff sought a quote for a third party review to assess the impact of the donation by updating the Fiscal Impact Analysis (FIA). This would serve as an update to the FIA that was prepared for the annexation review and approval process (as some of the assumptions used previously have changed in this proposal). The cost, forwarded by Staff, was quoted at \$3,875 on December 21 as an opportunity for the applicant to seek objective analysis to provide staff with the confidence that Required Finding part C of Sec. 510.04 could be reached regarding “adequate transportation facilities and public services... will be provided in accordance with the conditions of PAD approval...”
- The invitation to update the FIA was declined
- (c) With both the insufficient finding noted in part 1(d) and the declined FIA to objectively measure the impacts of #2, staff does not find sufficient evidence for the Required Finding of Sec. 510.04.C. risking reduction of public services.
3. Staff considers it best practice to include an **internal circulation** plan with a PAD submittal for the purposes of evaluating the transportation facilities and public safety aspects of the Required Findings. If deferred by a Condition of Approval, a conceptual circulation plan would be required with a pre-application prior to a formal Pre-Plat submittal that applies safe route practices for multimodal transportation. With this understanding, staff can be flexible in covering the finding with this condition as allowed by Sec. 510.05.
4. Significant improvement to the offering of **mixed use** development was offered on Parcel G, now guaranteeing that 50% of the parcel will strictly adhere to ground floor retail. A future Development Review Permit (DRP) will seek details to ensure that the concepts referenced in the PAD Narrative are further refined for the development. As with #3, this is an allowable way to achieve Required Findings through a condition per Sec. 510.05.
5. The **other changes** listed as #5 were agreed to on the date of the Planning & Zoning hearing November 27, 2017 and are non-issues.

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In conclusion, for the reasons stated above, Staff lacks sufficient evidence to come to all of the Required Findings stated within Sec. 510.04 of the Zoning Code governing the approval of Planned Area Developments. Without reaching all the Required Findings, staff must recommend denial of PAD16-04 as currently proposed and with the submittals provided.

Appendices

- 1. Risk and consequences of reduced public services** (email from John Storm, MFMD)
- 2. Originating Email**



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Risk and consequences of reduced public services

Good Morning Ryan,

Following up on our meeting yesterday, I wanted to reiterate that without a fully staffed fire station on the proposed Anderson Russell Development, we will be unable to meet our response time standards. Per the city fire code, which has adopted National Fire Protection Association (NFPA) standards, NFPA 1710.4.1.2.1, outlines that for arrival of the FIRST due company, response time should not exceed 320 seconds (80 seconds for donning and 240 seconds for the actual response (driving) time). The standard also outlines that for a FULL first alarm assignment (in Maricopa it would be 3 Engines and 1 Ladder) the response time should not exceed 560 seconds (80 seconds for donning and 480 for actual driving time). The standard also addresses response times for EMS incident responses. An EMS response time per NFPA 1710 outlines a 300 second response time (60 seconds for donning and 240 seconds for actual driving time). Without a fire station on the proposed development and with our current deployment model, the Maricopa Fire and Medical Department cannot even get the FIRST due company on scene in under 920 seconds (breaking down to 80 seconds for donning and 840 actual drive time). This is almost triple what the standards states for the first due company. The response time for an EMS incident would be 900 seconds, exactly tripling the NFPA 1710 standard EMS response time. These response times are for primary access only, secondary access (as it currently stands) would exceed 1460 seconds for arrival of the first due company.

The extended response times would have a negative impact on the city's most recent ISO rating. The current ISO rating is a "2". The department would lose points for these extensive response times to the proposed development area (assuming no fully staffed fire station is on the proposed development). Losing points would almost assuredly reduce the city's ISO rating and would affect ALL Maricopa residents and business owners. It is impossible to quantify the effect it would have on both business and homeowners insurance rates, but in my experience it would most likely have a negative influence.

Lastly, the City of Maricopa Fire & Medical Department is part of the Phoenix Consortium Dispatch IGA. The consortium dispatches and provides automatic aid for 22 valley communities (including Maricopa). The IGA states that consortium has the right to review (not regulate) new fire station locations as well as new service areas for all consortium members. If the Phoenix Consortium Executive Board concludes that any members new service areas have a negative effect on the entire group, that member may be voted out of the consortium. This would have disastrous consequences for the City of Maricopa and the Maricopa Fire & Medical Department. The consequences would include possibly losing dispatching services and losing automatic aid from the other 21 consortium member departments. This means Maricopa Fire & Medical would be alone fighting fires and other operationally challenging incidents. Currently, automatic aid sends consortium member units to both assist at major incidents as well as back filling Maricopa Fire Stations to address ongoing 911 requests when Maricopa units are dedicated to major incidents within the city.

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It is for these reasons it is imperative that a fully staffed fire station be placed within the proposed development. As current response times from existing fire stations would have the above referenced effects. If you have any further questions or require any clarification please do not hesitate to contact me.

John Storm

Assistant Fire Chief

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Originating Email

From: Court Rich [<mailto:CRich@roselawgroup.com>]
Sent: Friday, December 01, 2017 11:54 AM
To: Ryan Wozniak; Kelly Hall; Jordan Rose
Cc: Kazi Haque; Martin Scribner; zzDenis Fitzgibbons; zzTina Vannucci; Gregory Rose; Steve Stahl; Bill Fay; Brady Leffler; John Storm
Subject: PAD16-04 Anderson Russell: proposed resolution of remaining issues

Ryan and Maricopa Team,

After receiving feedback from the Planning Commission and listening to Staff's complete presentation at the hearing, the Anderson Russell development team has taken the last several days to formulate a response that includes the new positions we signaled during the hearing and incorporates additional proposals made in response to the comments made at the hearing. We truly believe this proposal brings Anderson Russell into conformance with every significant comment that was made at the hearing from both Staff and the Commission. Attached are proposed redline stipulations for your review. These revised stipulations address the following concerns:

- 1) **Two Points of Access.** We propose revising Stipulation 3(e) to make it clear that police, fire and medical all need to approve of the two points of access. In addition, in response to the Chief's comments, we clarify that we will be required to comply with the then-current Subdivision Ordinance. While we agree with the City Attorney that this is the law anyway, we understand that the City is looking at adding clarifying language into the Ordinance and we want to be clear that we understand this and will comply. Based on these changes, the City should be as protected as it can possibly be on this issue. I hope that Staff could support and endorse that the Applicant has done all that can be done in this phase of the development process to make the City comfortable that the City will be able to get two points of access that are acceptable to the public safety departments and in keeping with any future code updates.
- 2) **Public Safety Donation.** We have put in writing our stipulation that says we will provide a \$200 donation per-residential unit to be used by the City for public safety (not just fire) as the City sees fit. We expect this needs to be commemorated in a formal agreement and are happy to provide a first draft of that agreement for the City's review. We hope this gesture is well received and look forward to working quickly to commemorate what we truly believe to be an unprecedented arrangement. It is our hope that the City and Staff can tout this as an example of a developer who truly cares about public safety.
- 3) **Internal circulation.** I want to highlight that we agree with stipulation 3(f) and therefore will be revising our internal circulation plan for the pre-plat. You know where we have been on this and that the developer really liked this unique design feature, but

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based on feedback and Staff's strong position we will agree to this change. We are hopeful that this significant change in position will allow us all to agree on this issue and check off what had been a significant point of disagreement.

- 4) **Mixed Use Parcel.** We propose an addition to Stipulation 4(f) whereby the Applicant guarantees that 50% of parcel G is ultimately developed as mixed use with ground floor retail. As you know, we currently have guaranteed 15% and we are hopeful that this increase in certainty is seen by staff as a significant change in the plans that is being done at Staff's specific request. We hear you on your concerns and your desires to assure a true mixed use area of this development. We are hopeful that this is what you are looking for. In addition, note that we agree to go through the future site plan process as set forth in that same stipulation at the appropriate time when the builder of that parcel can be engaged in meaningful detailed site design and layout work.
- 5) **Other Changes.** We also include redlines depicting the clarifying changes to Stipulations 3(a), 3(g), and 4(g) that we previously discussed and agreed to with Staff both before and during the hearing.

It is our goal to be able to bring the item back for the January P&Z meeting. We truly believe that we have responded to each item that appeared to be of a significant concern and have addressed the issues that drove Staff's recommendation and the Commission's view. Please review and let us know your thoughts and thank you for continuing to work through this process.

Court S. Rich

