



# PLANNING AND ZONING COMMISSION STAFF REPORT

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**Date** November 16, 2023

**To** Planning and Zoning Commission

**From** Sarah Dircks  
Planner

**Subject** Fresh Start Church: Initial Zoning  
Southeast corner of 83<sup>rd</sup> Avenue and Acoma Drive

## ***PROPOSAL***

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Proposal to apply Initial Zoning (“translational zoning”) to approximately 2.9 acres of land as part of an expansion of the Fresh Start Church, generally located at the southeast corner of 83<sup>rd</sup> Avenue and Acoma Drive. This action would establish Suburban Ranch (SR-43) Zoning District in place of the current Maricopa County Rural 43 (RU-43) Zoning District.

## ***APPLICATION INFORMATION***

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**Case Numbers** Rezone (Case Z23-15)

**Applicant** City of Peoria

**Request(s)** Apply City of Peoria Suburban Ranch (SR-43) Zoning District in place of current Maricopa County Rural 43 (RU-43) Zoning District.

## ***BACKGROUND AND CONTEXT***

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The subject site, referred to as the expansion area for Fresh Start Church is located at the southeast corner of 83<sup>rd</sup> Avenue and Acoma Drive, and consists of two parcels totaling 2.9 acres. **(Exhibit 1)**

Fresh Start Church currently operates as a place of worship on an 8.25-acre property located directly south of the expansion area within City of Peoria limits. The church is constructing a new office building and parking lot on the subject expansion site and desires a connection to City water and sewer services. As such, the church is seeking to annex the subject expansion area as part of case ANX23-01. The aforementioned companion annexation case is anticipated to receive a no-action hearing before City Council on November 14, 2023, with final consideration by City Council tentatively scheduled for December 12, 2023.

## **CONTEXT**

From a larger contextual perspective, the subject property is generally bounded by one-acre single-family residential properties on the north and east **(Exhibit 2)**. Beyond the single-family

## FRESH START CHURCH INITIAL ZONING (CASE Z23-15)

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residential to the east of the subject site is Centennial High School. To the south of the subject property is the existing Fresh Start Church and then single-family residential. To the west of the subject site is 83<sup>rd</sup> Avenue, followed by Sky @ 83 Apartments and CubeSmart Self-Storage.

### **STAFF ANALYSIS**

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#### *Statutory Requirements:*

Pursuant to ARS §9-462.04E and ARS §9-471.L, the City must assign compatible City zoning to the annexed property within six (6) months following the effective date of adoption of the annexation.

In order to meet statutory obligations, city staff will process applications to establish initial zoning concurrently with the annexation request. The property owner and city are seeking to establish initial zoning concurrently with the annexation request, which as noted above, is advancing for City Council's consideration in December 2023. Additionally, establishment of initial corresponding zoning is often considered a perfunctory action given statutory requirements. More specifically, establishment of initial zoning regulated by Arizona Revised State Statutes does not permit initial zoning to provide for densities and uses to be assigned to a property that are more intense than those permitted by Maricopa County prior to the annexation.

#### *Analysis & Findings:*

The subject site is zoned Maricopa County Rural Residential (RU-43), as shown in **Exhibit 2**. The RU-43 district's principal purpose is to "conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development". The corresponding City of Peoria zoning category to the Maricopa County Rural Residential (RU-43) Zoning District is City of Peoria Suburban Ranch (SR-43) Zoning District, as noted in **Exhibit 3**. More specifically, the SR-43 district is consistent with the RU-43 characteristics as it provides for and conserves existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

Given the characteristics of the property and the existing zoning within Maricopa County, the most analogous City of Peoria zoning category is the Suburban Ranch (SR-43) Zoning District. Staff believes the proposed zoning district is in keeping with the criteria as outlined by applicable regulations; therefore, the request is consistent with the State Statutes.

### **COMMUNITY INVOLVEMENT**

#### *Public Noticing*

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

A neighborhood meeting is not required for an Initial Zoning application.

## FRESH START CHURCH INITIAL ZONING (CASE Z23-15)

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### *Support / Opposition*

At the time of this writing, Staff has not received any stated opposition or support.

### ***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

- 1) Recommend APPROVAL of Rezoning Case Z23-15 to the City Council, establishing initial zoning of the subject property as City of Peoria Suburban Ranch (SR-43) Zoning District.**

### ***STAFF CONTACT***

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